

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

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UNITED STATES OF AMERICA :  
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 :  
-vs- : Case No. 1:09-cr-179  
 :  
 :  
MIRWAIS MOHAMADI, :  
Defendant. :  
 :  
----- :

V O L U M E 5 of 5

TRIAL TRANSCRIPT

March 10-11 & 15-18, 2010

Before: Liam O'Grady, Judge

And a Jury

APPEARANCES:

Ronald L. Walutes, Jr. and Michael P. Ben'Ary,  
Counsel for the United States

Michael S. Nachmanoff, Whitney E.C. Minter and  
Jeffrey C. Corey, Counsel for the Defendant

The Defendant, M. Mohamadi, in person

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1           NOTE: The March 17, 2010 portion of the case begins  
2 in the absence of the jury as follows:

3 JURY OUT

4           THE COURT: All right, good morning to you all. I  
5 see all counsel present.

6           Good morning, Mr. Mohamadi.

7           You got my message last night about the 609 issue?

8           MR. NACHMANOFF: Yes, Your Honor. The message that  
9 we got was not a final resolution, but a suggestion that the  
10 Court perhaps was reconsidering whether or not anything more  
11 than simply the fact of a prior felony conviction would be  
12 appropriate.

13          THE COURT: All right. And I didn't want to  
14 preclude the Government from making any argument that you  
15 wanted to make, but that's my reading of the cases.

16          MR. WALUTES: Your Honor, I appreciate the notice.  
17 Frankly, the Government can conform to the Court's  
18 instruction.

19          I would note, I mean, he is serving until he is 21.  
20 He is 28 today. So, he isn't actually released from the  
21 charges until-- So, the ten years doesn't apply at all.

22          But I understand the Court's thinking, and I am fine  
23 in conforming to it, Your Honor.

24          THE COURT: All right. I think under the United  
25 States versus Sanders, Fourth Circuit case, although it is

1 dated, it has been followed pretty closely. And because of  
2 the fact that he was convicted of armed robbery and then now  
3 stands charged with two counts of armed robbery, that the  
4 potential prejudice outweighs the probative value.

5 I do think that when you look at the balancing test,  
6 that it would be unduly prejudicial.

7 On the other hand, of course, the conviction itself  
8 goes to the credibility, and I think is clearly admissible for  
9 that purpose.

10 So, absent something happening during examination  
11 which somehow changed the equation, that's my ruling on that.

12 A couple of other housekeeping matters. The jury  
13 instructions, I am conforming them to the Hobbs Act as pled in  
14 the indictment. There was an attempt in one, but it was an  
15 attempt and obtain.

16 And, of course, attempt is a lesser included offense  
17 in the completed robbery. I don't know that it is of any  
18 great moment or what counsel is prepared to do with it, but I  
19 think it's important to conform the instructions to the actual  
20 indictment.

21 You had an eyewitness instruction in your group. We  
22 didn't talk about that yesterday. You want that from Horn,  
23 which is almost exactly that contained in the O'Malley  
24 instructions. Do you still want that eyewitness  
25 identification instruction?

1 MR. NACHMANOFF: Yes, Your Honor.

2 THE COURT: All right. I will give the eyewitness  
3 identification instruction.

4 There were two others, intimidation and the, there  
5 is also a second which accompanies it, which wasn't identified  
6 by either party in the witness tampering.

7 The Government have any objection to giving the  
8 intimidation instruction as part of the witness tampering  
9 instructions? It is 49.04 I think identified by defense  
10 counsel.

11 I think if we give the intimidation, we ought to  
12 give the delay, obstructs instruction that goes along with it.

13 MR. NACHMANOFF: That's fine, there is no objection.

14 MR. WALUTES: As long as they are grouped, I think  
15 that's fair, Your Honor.

16 THE COURT: I think we will give them both then.

17 All right. I looked at the Harris and Perry cases  
18 on the elements of the witness tampering. I think that  
19 clearly Harris looks at the Perry case and as far as the Court  
20 went in Perry and then clarifies the burden on the Government.  
21 And I think that the Government's instruction accurately  
22 reflects the Harris finding.

23 So, I am going to give the Government's instruction  
24 on the elements of the offense. And your exception is noted.

25 MR. NACHMANOFF: Thank you, Your Honor.

1           THE COURT: All right. All right, then that's all I  
2 have.

3           MR. NACHMANOFF: Thank you, Your Honor. And I just  
4 have a couple of preliminary matters.

5           THE COURT: Okay.

6           MR. NACHMANOFF: First of all, we have spent a  
7 considerable amount of time with Mr. Mohamadi since yesterday,  
8 last night, and then this morning as well, and we thank the  
9 Court for giving us extra this morning.

10           Mr. Mohamadi has reaffirmed that he does want to  
11 take the stand. And so, I think that would be the first order  
12 of business when the jury comes in.

13           THE COURT: Okay.

14           MR. NACHMANOFF: One of the things that we did with  
15 Mr. Mohamadi last night was to try and get at this issue that  
16 the Court has engaged in colloques with Mr. Mohamadi directly  
17 on regarding tapes and audio tapes and things that he has been  
18 very intent on trying to find a way to introduce.

19           We endeavored and spent a considerable amount of  
20 time, and I have to thank, acknowledge Mr. Corey, who devoted  
21 many hours to this, to reviewing some of the specific audio  
22 tapes that Mr. Mohamadi managed to narrow down. It is not all  
23 of them, but it was some of them.

24           We concluded after reviewing those tapes and  
25 consulting with each other that we cannot as officers of the

1 court in good faith take the position that any of these  
2 conversations would be admissible. But we wanted to make sure  
3 given the way this case has played out, that the Court is able  
4 to address this however it sees fit.

5 So, if the Court wants to let Mr. Mohamadi address  
6 this issue, we want to be sure that he has that opportunity.  
7 If the Court wants to make an independent in camera review of  
8 these CDs, we certainly want Mr. Mohamadi to have that  
9 opportunity.

10 In our capacity, we have concluded that there simply  
11 is no way to get these admitted.

12 THE COURT: All right. Thank you.

13 Mr. Mohamadi.

14 THE DEFENDANT: Good morning, Your Honor.

15 THE COURT: Good morning. First, we talked at  
16 length last night about the decision to take the stand and to  
17 testify. And we went over the fact that you had consulted  
18 with counsel and that you had understood and understand now  
19 that the fact that you have a prior felony conviction will  
20 come out, but not the nature of the charge.

21 THE DEFENDANT: I appreciate that, Your Honor.

22 THE COURT: And that also it opens you up to  
23 cross-examination your many other issues that go to your  
24 credibility. And, of course, you have listened to the tapes  
25 and read the transcripts of the tapes, the cross-examination.

1 Depending upon what you testify in direct examination, you  
2 would be subject to impeachment on a number of issues,  
3 including the prostitution issue and, of course, the charged  
4 offenses and the firearm offense.

5 So, you understand that?

6 THE DEFENDANT: Yes, Your Honor.

7 THE COURT: All right. And after consulting with  
8 counsel and also thinking about what we talked about yesterday  
9 and now this morning, you have decided to take the stand in  
10 any event?

11 THE DEFENDANT: Yes, Your Honor.

12 THE COURT: Okay. All right. Tell me about the  
13 tapes.

14 THE DEFENDANT: There aren't that many. There are  
15 just specific phone call conversations that clearly explain--  
16 Because they played the tape of conversations I had with Mr.  
17 Brown in regards to legal advice I provided Ms. Inge. And  
18 they made accusations to say that I was giving false  
19 information.

20 I just wanted to follow up and provide phone calls  
21 with Amanda Inge where she informs me while I am in Alexandria  
22 during these conversations as to how she is being harassed by  
23 police, how they are putting words in her mouth, how she is  
24 being manipulated.

25 And another call in regards to just a lot of the



1 manipulation and stuff that occurred which caused me to go to  
2 that extent to, you know, provide her with legal advice and  
3 give her advice on immunities and all the other stuff that you  
4 heard over the calls.

5           Without these calls, it would be unfair for me  
6 because it doesn't portray the whole story line of events.  
7 You are just getting the end result of me being in 3AB in the  
8 mental health unit ward where I am allowed out late at night,  
9 I am blocked access to attorneys.

10           So, I just wanted to explain the whole situation in  
11 regards to Amanda Inge.

12           THE COURT: Well, I think you can testify--

13           THE DEFENDANT: It would be hearsay because I would  
14 be discussing what she said.

15           THE COURT: So are the tapes, so are the tapes.  
16 That's the problem, the tapes are hearsay as well, right?  
17 That's what your counsel explained to you, that Amanda Inge  
18 was here yesterday and testified, but she is not here. So,  
19 the tapes themselves are hearsay.

20           THE DEFENDANT: Isn't that the grounds we objected  
21 and the Court allowed the tapes in for the Government even  
22 though we objected on that basis?

23           I just thought it would be only fair for me to  
24 provide recordings, and especially in light of the fact that  
25 they have spent six days prosecuting me and presenting all

1 this evidence, I would just hope that the Court would allow me  
2 to just present this small bit of evidence with testimony from  
3 other individuals, not just what I am saying, to support, you  
4 know--

5 THE COURT: Do we have transcript of these, or is  
6 this just the tapes themselves?

7 MR. NACHMANOFF: No, Your Honor, this is amongst the  
8 hundreds of calls.

9 THE DEFENDANT: But they are phone calls. And they  
10 are clear, you can hear both sides speaking. They are  
11 recorded phone calls from the jail. They are not audio wires  
12 or undercover stuff with background noise. They are very  
13 audible.

14 THE COURT: Well, they are not admissible for the  
15 truth of what Ms. Inge stated. I mean, you can be asked  
16 questions by counsel that go to the substance of what you want  
17 to get in, such as did you have a conversation with Ms. Inge  
18 and as a result, you know, what did you do.

19 THE DEFENDANT: As a--

20 THE COURT: There are hearsay issues there as well,  
21 but at least--

22 THE DEFENDANT: Let me just understand. I am not  
23 going to be able to introduce evidence of facts that occurred?  
24 The only evidence that I have at my disposal because I am  
25 incarcerated. So, I am being deprived of that one aspect of

1 defense where the Government has been able to provide  
2 recordings of my jail calls, been able to acquire and present  
3 recordings that were obtained in violation of my Sixth  
4 Amendment rights.

5 I just don't understand how I can't present recorded  
6 calls--

7 THE COURT: Well, I will wait to the see the  
8 evidence come in and I will make a decision then. But you  
9 have talked to your counsel, you know why they have instructed  
10 you as to their belief that under the Federal Rules it's not  
11 admissible--

12 THE DEFENDANT: Is that counsel's stance, that they  
13 are not admissible or that they just chose strategically not  
14 to allow them? I am just curious.

15 MR. NACHMANOFF: Both, Your Honor. And again, I am  
16 not sure it is appropriate to divulge, especially with the  
17 Government here, our specific evaluation of each call.

18 But it is both issues of admissibility and strategy.

19 THE DEFENDANT: That just goes to another factor of  
20 why I am not happy with the representation. That just  
21 supports--

22 THE COURT: Well, we have gone through that. And I  
23 couldn't disagree with you more. I will make--

24 THE DEFENDANT: Can I at least review, Your Honor,  
25 can I at least in camera review? I mean, this is it, there is

1 nothing else the defense is offering.

2 I mean, could you at least review certain specific  
3 calls in regards to Ms. Inge and Ms. Jessica Hull where the  
4 Government asserted that I specifically asked her to move from  
5 Michigan for the purpose of prostitution activity, when  
6 actuality the calls show that she was experiencing a lot of  
7 domestic disturbances with her children's father. There is a  
8 lot of violence going on. And the whole purpose of her moving  
9 was to get away from that violence, and I have phone calls  
10 supporting that.

11 THE COURT: That is such-- It is hearsay. And then  
12 it's also such a collateral issue, it doesn't-- It's so far  
13 off and--

14 THE DEFENDANT: These individuals came on the stand.

15 THE COURT: That wasn't even worth trying to impeach  
16 her on--

17 THE DEFENDANT: It's just the assertions that are  
18 being made. I mean, shouldn't I at least have the opportunity  
19 to defend myself that it is false?

20 THE COURT: What I said to you is you give me the  
21 specifics, and I will listen to certain of those materials  
22 when we have a break. And so, yes, I will do what you are  
23 asking now.

24 THE DEFENDANT: Thank you.

25 THE COURT: I will actually look at or listen to the

1 tapes. But you understand that it may not change my mind, but  
2 I will look at it, I will listen to it. All right.

3 THE DEFENDANT: Thank you, Your Honor.

4 THE COURT: So, give me the tapes. Or do you have a  
5 list of the tapes or--

6 THE DEFENDANT: I can narrow them down to specifics  
7 so I don't belabor the Court with too many calls. I can--

8 THE COURT: Mr. Corey.

9 MR. COREY: Yes, Your Honor. I think we can assist  
10 in the review. It's going to take some explanation of how the  
11 computer program works in terms of opening the audio and how  
12 you need to bring it up, but I think with the combination of  
13 working together here we can facilitate that.

14 THE COURT: Can I do that in chambers? Or do I have  
15 to do that in the courtroom?

16 MR. COREY: I think it--

17 MR. NACHMANOFF: It can be done in chambers. We  
18 have a laptop, we can provide it to the Court.

19 THE COURT: Okay. All right. Then let's identify--  
20 You know, don't give me hours of tape, but I will listen to  
21 segments of a couple of different tapes, and that ought to  
22 give me the information I need.

23 THE DEFENDANT: Thank you, Your Honor, I appreciate  
24 it.

25 THE COURT: All right. Yes, sir.

1 Anything else this morning?

2 THE DEFENDANT: My final request, Your Honor, is  
3 simply that in light of the history of the case and the  
4 Court's prior rulings, I would ask that counsel be given a  
5 little bit of latitude with regard to the examination of Mr.  
6 Mohamadi.

7 THE COURT: We will do the best we can.

8 MR. NACHMANOFF: Thank you.

9 THE COURT: All right. Anything else for the  
10 Government this morning?

11 MR. WALUTES: Your Honor, obviously, the Government  
12 is going to want the Court to revisit 403 rulings the Court  
13 has made if appropriate during this examination.

14 THE COURT: I understand that.

15 All right, let's bring our jury in.

16 NOTE: At this point the jury returns to the  
17 courtroom; whereupon the case continues as follows:

18 JURY IN

19 THE COURT: All right, good morning to you all.  
20 Thank you for getting in on time this morning. Please have a  
21 seat. And I hope you had a good evening.

22 Did you all heed my request that you not do any  
23 research or talk about the case with anyone and not do any  
24 independent investigation? A show of hands. Thank you very  
25 much. It is important.

1 All right, Mr. Nachmanoff, call your next witness,  
2 sir.

3 MR. NACHMANOFF: Thank you. Ms. Minter will be  
4 taking this witness.

5 THE COURT: All right.

6 MS. MINTER: Your Honor, we will call Mirwais  
7 Mohamadi.

8 THE COURT: All right.

9 NOTE: The defendant is sworn.

10 MIRWAIS MOHAMADI, the defendant herein, called in  
11 his own behalf, first being duly sworn, testifies and states:

12 DIRECT EXAMINATION

13 BY MS. MINTER:

14 Q. Stir, would you please state full name and spell your  
15 first and last name for the court reporter.

16 A. My name is Mirwais Mohamadi. M-i-r-w-a-i-s  
17 M-o-h-a-m-a-d-i.

18 Q. How old are you, Mr. Mohamadi?

19 A. I am 28 years old.

20 Q. How far did you go in school?

21 A. Two semesters in college.

22 Q. What line of work are you in?

23 A. Car salesman.

24 Q. What did your father do for a living?

25 A. My father was a taxicab driver.

1 Q. Mr. Mohamadi, did you ever intend for Randy Pressley to  
2 kill Gebru Haile?

3 A. No, ma'am.

4 Q. Did you ever intend for Stephen Grant to kill Gebru  
5 Haile?

6 A. No, ma'am.

7 Q. Did you ever intend for Richard Bryan to kill Gebru  
8 Haile?

9 A. No, ma'am.

10 Q. Did you ever intend for Amanda Inge to fabricate  
11 testimony?

12 A. No, I did not.

13 Q. Mr. Mohamadi, I would like to direct your attention to  
14 the fall of 2007.

15 Where were you at that time?

16 A. I was housed at Fairfax Adult Detention Center.

17 Q. And during that time, did you know an individual by the  
18 name of Randy Pressley?

19 A. Yes, ma'am, I am familiar with that name.

20 Q. Describe how you know him and your relationship with him.

21 A. There was no relationship. He was an inmate that was  
22 housed in a unit that I was also housed in.

23 Q. And did you ever speak with him?

24 A. Outside of just the basic dialog that occurs in jail.  
25 Nothing too much. Nothing specific.



1 Q. Were you ever in a unit in the Fairfax Jail that is  
2 specifically designated for Muslim inmates?

3 A. Yes, ma'am. They provide a unit for all the inmates that  
4 are practicing Ramadan, they place them all in the same unit  
5 because of the different periods where they eat, so it makes  
6 it easy for the jail and also helps these inmates practice  
7 their belief.

8 Q. And could you describe the layout of that unit for the  
9 members of the jury.

10 A. It is a pretty small unit. There are two tiers of cells  
11 that wrap around. There is stairs. And in the middle of this  
12 unit there is benches where inmates can sit and converse. And  
13 there is a TV in the corner. And on the wall about in the  
14 middle of the unit there is two phone calls right next to each  
15 other placed right in the middle of the unit.

16 Q. I am sorry, two phone calls?

17 A. I am sorry, phone, like pay phones placed right there.

18 Q. And are those pay phones in a booth like they might be on  
19 the street?

20 A. No, ma'am. They are open and just attached to the wall  
21 right next to each other.

22 Q. Is there anything that separates the inmate on the phone  
23 from the other inmates in the unit?

24 A. No, ma'am.

25 Q. Did there come a time that you moved out of that unit?

1 A. Yes. In the middle of Ramadan I asked to be moved out of  
2 the unit due to the fact that this was a very, let's just say  
3 I had a lot of stuff that I was dealing with at that time in  
4 regards to my faith. And since '05 I had started, I had begun  
5 having an interest in Christianity and I had a lot of people  
6 ministering to me.

7 And while I was at the jail I tried to go back to  
8 what I knew and what my mother and everyone else would advise  
9 me to do. And I tried to, you know, practice Islam, but it  
10 just didn't feel right. And I just finally realized that I  
11 couldn't just go through the motions, that I needed to do what  
12 I believed and what I felt was right.

13 So, I moved out of that unit.

14 Q. Did you ever speak to Randy Pressley intending for him to  
15 kill Gebru Haile?

16 A. No, ma'am.

17 Q. Mr. Mohamadi, do you know an individual named Stephen  
18 Grant?

19 A. Yes, ma'am, I am familiar with that name.

20 Q. How do you know him?

21 A. He was in one of the units that I was in in Fairfax, and  
22 he was there for approximately two weeks.

23 Q. Okay. And is that the extent of your relationship with  
24 him?

25 A. Yes, ma'am. I met him in the jail.

1 Q. Did you ever spend any time with him outside of the jail?

2 A. No, ma'am.

3 Q. Did there come a time where you received information that  
4 caused you to stop talking to Mr. Grant?

5 A. Yes. After conversing with my attorney at that time, I  
6 received some information from him that caused me to not  
7 communicate with Mr. Grant.

8 Q. Did you ever speak to Stephen Grant with the intent that  
9 he do any harm to Gebru Haile?

10 A. No, ma'am. I never discussed any part of my case. The  
11 only discussions I had with Mr. Grant was in regards to the  
12 fact that he was from the Springfield area, which I was also  
13 from the West Springfield area, and we knew some of the same  
14 individuals.

15 Q. Now, you described one unit within the Fairfax Adult  
16 Detention Center. Is that description a good general  
17 description for the rest of the units in the Adult Detention  
18 Center?

19 A. Yes, ma'am.

20 Q. Okay.

21 A. Yes, it is.

22 Q. And the unit that you were in with Stephen Grant, did  
23 that have phones as well?

24 A. Yes, ma'am. It was exactly the same way I described the  
25 other unit.

1 Q. Now, with respect to the units within the Fairfax Adult  
2 Detention Center, you described a big open area. Where are  
3 the individual cells in relation to that open area?

4 A. They are on the wall. They are basically, like I said,  
5 it wraps around the unit. And there is a row of cells on the  
6 first floor. And then there is some steps that you have to go  
7 up. And there is a second tier of cells.

8 Q. And how does the-- Let me ask you first. Do those cells  
9 have doors?

10 A. Yes, ma'am, they are automated doors that only open from  
11 the master control room. And they are opened at specific  
12 hours and closed at specific hours.

13 Q. Do you as an inmate have any control over when the doors  
14 open?

15 A. No, ma'am.

16 Q. Do you as an inmate have any control over when the doors  
17 close?

18 A. No, we don't.

19 Q. Do you have any ability or authority to close the door if  
20 it's open?

21 A. No, ma'am.

22 Q. Okay.

23 A. There are specific times they open and close.

24 Q. Is there any way to prevent other people from being in  
25 your cell?

1 A. No, there isn't. I mean, there is if you are in the  
2 unit, you can prevent it. But if you have a court date or  
3 something that may cause you to be out of the unit during the  
4 hours when the door is open, there is no way for you to know  
5 if someone has went in your cell or what.

6 Q. So, you personally could intervene if someone went in  
7 your cell?

8 A. While I am in the unit, of course.

9 Q. But you don't have any locking mechanism to prevent that?

10 A. I mean, the only thing I could possibly do is if there is  
11 someone that I have any type of a relationship with, I could  
12 ask them to watch my cell. But then--

13 Q. But no lock system, correct?

14 A. No, ma'am.

15 Q. Mr. Mohamadi, do you know a gentleman by the name of  
16 Richard Bryan?

17 A. Yes, ma'am.

18 Q. How do you know him?

19 A. I met Mr. Bryan while I was housed in Alexandria Jail?  
20 After five months of being in Alexandria Jail I was moved into  
21 the trustee unit where all the inmates in that unit work  
22 either in the kitchen or they do maintenance work, cleaning  
23 the floors and stuff. And I met Mr. Bryan from both of us  
24 working in the kitchen.

25 Q. And did you work at the same time?

1 A. No, ma'am. His schedule was different from-- There is a  
2 hierarchy of positions in the kitchen where you start out at a  
3 certain level and then you gradually move up as people switch  
4 jobs.

5 Mr. Bryan was the dietitian at the jail where he  
6 would make all the trays for people that had specific medical  
7 diets.

8 And my job at the time was a dishwasher. So, I had  
9 a specific time that I would come in, after meals, before  
10 meals to wash and prepare trays. And Mr. Bryan was there for  
11 the majority of the day.

12 Q. Did there come a time that Mr. Bryan was training you?

13 A. Yes, ma'am. He asked me if I wanted to possibly help him  
14 with his duties, and that's during the period where I started  
15 communicating with Mr. Bryan.

16 Q. Mr. Mohamadi, you watched the videos that were played  
17 earlier in this trial. Why did you say the things that you  
18 said on those videos?

19 A. I never in my wildest nightmare imagined that my jail  
20 conversations would be played for the public or in a federal  
21 courthouse for that matter.

22 There is a life inside of jail and a manner of  
23 speaking and a way of communicating that probably would  
24 repulse the average person.

25 So, the stuff that was viewed on that recording is

1 just a bunch of garbage that was just discussed while I was in  
2 jail. And there is no explanation as to why I said the stuff,  
3 it was just, it was just talk.

4 Q. You indicated that, about the conditions in the jail. Do  
5 you behave the same way inside the jail that you would behave  
6 outside the jail?

7 A. No, ma'am, I don't.

8 Q. How is it different?

9 A. Well, in jail it's sort of a survival of the fit,  
10 mentally and physically. I mean, you can't, I can't go in  
11 there and, you know, speak intelligently and try to give and  
12 act a certain way because I would stand out. Everyone has a  
13 certain way of communicating and a way of how they act so they  
14 don't stand out.

15 And I basically just tried to adapt to that  
16 environment and portray this tough guy image just to keep  
17 people from targeting me and, you know--

18 Q. And along those same lines, do you talk the same way in  
19 jail that you talk when you are outside of jail?

20 A. No, ma'am, I don't.

21 Q. Did there come a time that you offered money to Richard  
22 Bryan?

23 A. We had discussions in regards to the fact that he gave me  
24 a story about how he lost all of his clothes and, you know, he  
25 would have to start from scratch. And in the midst of that

1 conversation, you know, I offered to provide him with some  
2 funds and for him. And he promised that he would pay me back  
3 later on.

4 And this isn't the first time I have done this. I  
5 have heard some pretty tough stories from individuals in jail.

6 Q. That money that you offered to him, did he get that  
7 money?

8 A. From my knowledge, yes. I mean--

9 Q. How did that come about?

10 A. What happened was after discussing this with Mr. Bryan,  
11 what he did was he gave Deputy Gilmore a release form.  
12 Because in the jail for you to send money off of your account,  
13 you have to fill out a release form with an envelope and hand  
14 it to a staff member. And Mr. Bryan went and did that, he  
15 handed the documents to a staff member at the jail.

16 And next I received, then later on I received a  
17 deduction slip that stated that it was deducted from my  
18 account.

19 Q. If I could draw your attention to the end of October 2008  
20 through the middle of November, approximately a two-week  
21 period in the fall of 2008.

22 Where were you at that time?

23 A. I was housed in the lock down unit. I was at the trustee  
24 unit, but I was moved out because I received some charges for  
25 a female inmate writing me a letter, and I responded to that



1 letter. And come to realize that the jail doesn't allow that.  
2 And because of that incident, I was charged and placed in a  
3 lock down unit during that period.

4 Q. Was Richard Bryan in the lock down unit with you?

5 A. No, ma'am, he wasn't.

6 Q. Okay. Where, if you know, was he?

7 A. He was in a different unit in population.

8 Q. Mr. Mohamadi, did there come a time that you spoke with  
9 Richard Bryan on the phone?

10 A. Yes, ma'am. Upon his release he provided a friend of  
11 mine with a phone number for me to call to just keep in  
12 contact with him.

13 Q. When you had those phone conversations, did you intend  
14 any harm to Gebru Haile?

15 A. No, ma'am. As the phone call can verify, the content of  
16 the call was just basically how he felt released and what he  
17 planned on doing as in getting a job and just conversations of  
18 that nature. There was nothing in regards to anything like  
19 that.

20 Q. We heard testimony from Investigator Burnham and,  
21 testimony from Investigator Burnham about reports or requests  
22 that you had filed.

23 What was the basis of those requests?

24 A. While I was in the trustee unit Mr. Bryan had made a  
25 statement that really caused me some concern. And in that

1 statement he basically offered to help me out in my case in  
2 regards to speaking to witnesses because I portrayed a false  
3 story as to why I was incarcerated. That's what I normally do  
4 when I asked about my case, I will make, I will exaggerate a  
5 scene from a movie or something to that extent.

6 And in the course of, you know, making those  
7 comments, Mr. Bryan was very adamant about saying that, well,  
8 you know, he could help out, he could discuss witnesses, talk  
9 to witnesses and try to get them in my favor.

10 So, that kind of concerned me. So, I wrote a  
11 request form to Mr. Burnham letting him know that, you know,  
12 an inmate had propositioned me just to make sure--

13 Q. Did there come a time when you filed a second report with  
14 respect to Mr. Bryan?

15 A. Yes, after filing that request form I met Mr. Burnham and  
16 I explained the situation. And he just was very dismissive.  
17 He basically accused me of lying, stating that I was just  
18 making stuff up. So, I was a little disturbed by his  
19 reaction, I followed up with a grievance.

20 Q. Did there come a time that you met with Richard Bryan at  
21 the jail while you were incarcerated but he had been released?

22 A. Yes. While we were in the jail and during the  
23 conversation we had over the phone, he asked me to place him  
24 on my visit list, that he would come visit me and that he  
25 would bring other female friends to introduce me to while I

1 was in jail for, during that time.

2 So, that was the gist of why he came to visit me.

3 Q. Okay. But he came to visit you?

4 A. Yes, ma'am, he did, twice.

5 Q. Did you ever display a hand sign or hand signal with four  
6 fingers?

7 A. After reviewing the Government's video, I noticed that at  
8 the end of the visit I gave a peace sign. And the video is  
9 free frame, it is not a continuous video where you can stop it  
10 on that exact moment. Even though the Government makes this  
11 assertions of me holding up four fingers to support their  
12 theories, if you would like at the video, it clearly shows me  
13 giving the peace sign to Mr. Bryan, two fingers, and that's  
14 it. Which is not uncommon when you want to say bye through  
15 the glass.

16 Q. Mr. Mohamadi, you have talked about the conditions in  
17 jail and the circumstances in jail. Describe, if you will,  
18 how you felt while you were incarcerated.

19 A. I don't even think words can describe what I was going  
20 through during that period. I was incarcerated in August for  
21 these false allegations of robbery.

22 And my daughter had just been born in June. So, it  
23 was just, it was just very, very difficult for me emotionally.  
24 And then just on top of it, just to be accused of robbing the  
25 cab driver when my dad was a cab driver, and he actually

1 passed away inside of his cab, he had a heart attack, and it  
2 was just very embarrassing.

3 And it was a very confusing period in my time. And  
4 I tried to substitute my pain and my anxiety and duress by  
5 keeping myself busy, by talking to people, and just trying to  
6 stay in contact with individuals over the phone, and just  
7 trying to get my mind outside of what I had to deal with in  
8 there.

9 And it was just, it just got to a point after my  
10 case was delayed for over two years and just constantly being  
11 delayed, I wasn't getting an opportunity to go to trial to  
12 defend myself because from what I found out now, the  
13 Government was trying all these different ploys to try to  
14 entrap me into their, into their little schemes.

15 I didn't know all that stuff was going on during  
16 that time. All I knew was my trial was continuously being  
17 continued. I wasn't getting my opportunity to go to trial.  
18 And it was just causing me a lot of duress where it eventually  
19 got to the point where it was frustrating to the point where I  
20 even considered taking my life. And during October 28 I  
21 attempted to hang myself.

22 Q. So, you were very upset?

23 A. Yes. It was a very traumatizing experience and still is  
24 to this date.

25 Q. Did you receive any mental health treatment after that

1 incident?

2 A. No, ma'am, I was immediately placed in lock down unit.

3 And maybe two weeks following this incident the Government was  
4 able to obtain these recordings.

5 Q. Was there ever a time when any of your property was  
6 seized?

7 A. Yes, ma'am. As soon as I was indicted for this federal  
8 case, on April 20 I was moved to Warsaw, Virginia. Three  
9 hours away from family, three hours away from attorneys, and I  
10 was placed on 24-hour lock down.

11 And during that period I asked the Court if I would  
12 get an opportunity to get closer to my attorney so I could  
13 prepare for my trial. And the Court graciously allowed me to  
14 come back to Alexandria for a weekend.

15 And as soon as I was brought back, I was told that I  
16 could only bring my legal materials and everything relating to  
17 my case. And when I came back, all of these documents were  
18 seized from me. And they were held over a day. And when they  
19 were finally returned to me, I was missing a ton of stuff,  
20 especially letters and documents from Ms. Inge, one of the  
21 witnesses that came and basically perjured herself again in  
22 front of a jury.

23 I had documents that were very helpful to my case  
24 that now to this day I have not been returned.

25 Q. Mr. Mohamadi, if I can go back to something you said.

1 You said that you were sent to a different jail. Was that for  
2 these charges or different charges?

3 A. For these charges.

4 Q. And these papers that you described and the difficulties  
5 you described, did that contribute to your anxiety?

6 A. Yes, ma'am. I have lost over 40 pounds.

7 Q. You made reference to the previous charge in the state  
8 system.

9 A. Yes, ma'am.

10 Q. For the same conduct?

11 A. Yes, ma'am.

12 Q. Did you have an attorney in that case?

13 A. Yes, I was represented by Mr. Larry Brown.

14 Q. Was there an investigator assigned to that case?

15 A. Yes, we did hire an investigator to help in my defense.

16 Q. Okay. And did he gather information, to your knowledge,  
17 about your case?

18 A. Yes, he did. The investigator was very helpful. During,  
19 when I was notified finally after a year of being held,  
20 detained, I was finally given a partial discovery describing  
21 the allegations of a robbery against Mr. Haile.

22 And in the midst of my confusion, I was just trying  
23 to figure out why would this individual accuse me of something  
24 that I didn't do. So, I retained Mr. Larry Brown to help me  
25 defend against the case, and I also hired a private

1 investigator.

2           And in the course of his investigations, he was able  
3 to conduct an interview with Mr. Haile. And this interview  
4 occurred in, I want to say September of '08. And then, no,  
5 July of '08. And I went to my first court proceeding in  
6 August. And after the Court proceeding I came to realize that  
7 because I had sent the investigator there to speak with him,  
8 they had placed--

9 Q. If I could interrupt you for one second. You mentioned  
10 the investigator. Is that Mr. Velarde who testified yesterday  
11 or was that a different individual?

12 A. No, ma'am, it was a different individual.

13 Q. And was information from his investigation shared with  
14 you?

15 A. Yes.

16 Q. Was the information that the investigator obtained, was  
17 that shared with you?

18 A. Yes. The investigator basically notified me of all of  
19 his, all the stuff he was able to obtain.

20 Q. Why was that?

21 A. Because I was very active in my defense. I was really  
22 trying very hard to find out what was going on. And I was  
23 just shocked to find out that, you know, they had placed this  
24 individual on the witness protection program just because I  
25 sent an investigator to go speak with him.

1 MR. WALUTES: Your Honor--

2 THE COURT: Yes, sir.

3 MR. WALUTES: The Government has-- Never mind.

4 THE COURT: All right.

5 BY MS. MINTER: (Continuing)

6 Q. Mr. Mohamadi, do you know an individual named Jessica  
7 Hull?

8 A. Yes, ma'am, I do.

9 Q. How do you know her?

10 A. I met Ms. Hull during my occupation as a car salesman.  
11 You get to meet a lot of different, colorful different  
12 individuals in my line of work. And upon meeting her from  
13 that, while I was incarcerated I was very lonely and very,  
14 just under a lot of duress, as I explained before, I would try  
15 to reach out to individuals and try to stay in communication  
16 with people to kind of get my mind outside of the jail.

17 Q. Did you ask her to move to Virginia?

18 A. No, ma'am, I never asked her to move to Virginia. She  
19 was experiencing domestic problems with the individual that  
20 she had children with. And the person was, you know, unhappy  
21 with her lifestyle because of the activities Ms. Hull was  
22 involved in, the drugs and the prostitution and stuff.

23 And I basically gave Ms. Hull advice in the sense  
24 that it would be helpful for her to move to a new location to  
25 start all over because of all the stuff she was dealing with



1 in the previous place.

2 Q. Did you ever ask Ms. Hull to engage in prostitution for  
3 money?

4 A. No, ma'am. As the phone calls that I have can verify  
5 that I only asked-- Well, I initially asked Ms. Hull to, you  
6 know, obtain employment. I even directed her to places where  
7 she could fill out applications and obtain a job, but she  
8 refused to go that route. And she just wanted to do what she  
9 wanted to do.

10 And there is no way I could control what she does.  
11 All I could do was give her advice.

12 Q. Do you know an individual by the name of Silvia  
13 Escamilla?

14 A. Yes, ma'am, I do.

15 Q. How did you know her?

16 A. I met Ms. Escamilla when I retained Mr. Brown. And she  
17 was a secretary there. And from me calling up Mr. Brown, I  
18 was able to communicate with her. And she was very nice to me  
19 and was able to provide me with phone calls when-- Because at  
20 the jail, all the collect calls, your family and friends have  
21 to set up an account. So, when the money would run out, you  
22 would have no way of letting them know that the money ran out.

23 So, you either had to depend on another inmate for  
24 them to call your family to do it or send a letter out. And  
25 Ms. Escamilla was very helpful by making these calls for me.

1 And during the course of these interactions we became somewhat  
2 friends.

3 Q. Did you ever ask her to deliver a firearm for you?

4 A. No, ma'am, I have no knowledge of a firearm. And I never  
5 asked her to do anything of that nature.

6 Q. Mr. Mohamadi, did you ever operate a prostitution ring?

7 A. No, ma'am, I did not operate a prostitution business.

8 Q. Do you know Amanda Inge?

9 A. Yes, ma'am.

10 Q. How do you know her?

11 A. I had a, I casually dated her prior to me being  
12 incarcerated. And while I was incarcerated because of the  
13 fact that she doesn't work during the day and that's the  
14 period where I am out and able to use the phone, we were able  
15 to talk a lot. And in the course of all the communication we  
16 had, we became very close during that period.

17 Q. Did you ever intend for Ms. Inge to violate the law?

18 A. No, ma'am. I had no knowledge of Ms. Inge being involved  
19 in my case for the first year that I was detained in Fairfax  
20 because I had never received any documents regarding Ms.  
21 Inge's involvement as to the investigation until I was moved  
22 to Alexandria in May of 2008.

23 And upon my arrival at Alexandria I received a  
24 partial discovery where Ms. Inge was identified as someone  
25 that provided information to law enforcement stating that I

1 admitted something to her.

2 And as soon as I figured this out, as the timeline  
3 of calls that are recorded show, I asked Ms. Inge about this.  
4 And she immediately said that she didn't want to discuss it  
5 over the phone. And she said that she would talk to Mr. Brown  
6 and go about it that way.

7 Q. All right.

8 A. And that's when I came to realize all of this stuff that  
9 occurred with Ms. Inge.

10 Q. Mr. Mohamadi, did you rob Kimberly Riley on May 27, 2007?

11 A. No, ma'am, I did not rob Ms. Riley.

12 Q. Did you display a firearm to rob Ms. Riley on May 27?

13 A. No, ma'am, I did not do that.

14 Q. Did you rob Gebru Haile on May 27?

15 A. No, ma'am, I did not rob Mr. Haile.

16 Q. Did you display a firearm to rob Mr. Haile?

17 A. No, ma'am, I did not.

18 MS. MINTER: The Court's indulgence please, Your  
19 Honor.

20 THE COURT: Yes.

21 MS. MINTER: Your Honor, if we could approach ex  
22 parte at this time.

23 THE COURT: Yes.

24 NOTE: A side-bar discussion is had between the  
25 Court and defense counsel out of the hearing of the jury and

1 the Government counsel as follows:

2 AT SIDE BAR

3 MS. MINTER: Your Honor, that is the extent of the  
4 questions that I have for the defendant. I had indicated to  
5 Mr. Mohamadi that we would allow him to raise with you any  
6 issues that he feels should have been raised.

7 THE COURT: Anything else that you want?

8 THE DEFENDANT: Can I look at my documents real  
9 quick?

10 THE COURT: Yes.

11 THE DEFENDANT: I just basically wanted to lay a  
12 foundation, basically ask Ms. Minter to ask questions in  
13 regards to the stuff that occurred with Ms. Inge with the  
14 police harassment. How she was-- The stuff she went through.

15 Just asking me whether I was-- I don't know how to  
16 legally do it, but I am sure there is a way that I can  
17 introduce that without getting into hearsay. And the phone  
18 calls. Because I am being accused of corruptly, intentionally  
19 and corruptly getting her to lie, but how can I prove that?  
20 While I am in jail all I have is knowledge of what I was told  
21 by my attorney and by Ms. Inge.

22 So, for me to defend against the intent, I would  
23 have to prove what I was told by Ms. Inge. There is no other  
24 way for me to prove that. This is what I believed from the  
25 information that I was given.

1 THE COURT: Ms. Inge was on the stand yesterday. I  
2 have given you latitude to speak at every opportunity. And  
3 when any witness has finished testifying, I have given breaks  
4 so that you could consult me with counsel about asking  
5 additional questions, and I didn't have any conversation with  
6 you yesterday about that at any stage. So--

7 THE DEFENDANT: But I did notify counsel that I  
8 wanted her to introduce those calls yesterday also for  
9 impeachment of Ms. Inge.

10 MS. MINTER: It was yesterday. Your Honor, I can  
11 probably ask a follow-up question or two that may address  
12 that.

13 THE COURT: All right. Then let's see where it  
14 goes.

15 MS. MINTER: Thank you, Your Honor.

16 THE COURT: Anything else?

17 THE DEFENDANT: Thank you, Your Honor. I appreciate  
18 it.

19 NOTE: The side-bar discussion is concluded;  
20 whereupon the case continues before the jury as follows:

21 BEFORE THE JURY

22 BY MS. MINTER: (Continuing)

23 Q. Mr. Mohamadi, you had testified to information or advice  
24 that you had given Ms. Inge. Why did you feel that she was in  
25 the need of that advice?

1 A. Because as soon as I found out that Ms. Inge was part of  
2 the case I asked her as to how she became involved. And she  
3 explained to me that she was coerced, harassed by police.  
4 They came and searched her house. And because of Ms. Inge's  
5 drug use they found items in her home and basically persuaded  
6 heard to say that, you know, if she is not helpful, they would  
7 charge her for this stuff.

8 And me knowing the type of person Ms. Inge is, I  
9 know she is not deliberately intending to hurt me, but she  
10 will do whatever she has to to protect herself.

11 So, me understanding that and realizing all this  
12 stuff, I just became very defensive. And in the course of my  
13 interactions with Ms. Inge all I basically did was advise her  
14 not to use drugs and to try to clean up her act so that way  
15 she wasn't attacked again or charged with more stuff which  
16 would cause her to influence her testimony even more.

17 And just in the course of me speaking to her, she  
18 has made numerous comments over the phone and numerous  
19 statements regarding the fact that she was coerced, she was  
20 harassed. She has made numerous statements which I can offer  
21 as evidence that police have harassed her, manipulated here.  
22 Even on 11/20 when she wouldn't go meet with the state  
23 prosecutors, she was arrested under a false charge.

24 So, it is just experiencing all this stuff and  
25 observing all of the actions that law enforcement has done. I

1 was very alarmed and concerned by the situation in March.  
2 That's why when she wrote me and told me that she received the  
3 grand jury subpoena by the federal government and she asked me  
4 for legal advice or whether my attorney could help her, I  
5 basically-- At the time I was not allowed to speak with  
6 attorneys, I wasn't allowed to have attorney visits, I wasn't  
7 allowed had to call attorneys unless it was on a collect call  
8 recorded phone. It was a very frustrating period. And I was  
9 only allowed late at night, that's why the call was made 1 in  
10 the morning.

11 And at that time she had moved to Miami and her  
12 number wasn't--

13 Q. Let me ask you this, Mr. Mohamadi. You indicated that  
14 you gave advice. Are you a lawyer?

15 A. No, ma'am. What I did was I asked the deputy to allow me  
16 to go to the law library. And knowing the facts of this  
17 situation with Ms. Inge where she informed me that she may  
18 have made false statements to law enforcement initially and  
19 then told the truth in trial, I knew the ploys that the  
20 Government would use by saying, okay, well, you said this  
21 first and then you said this later, we are going to charge you  
22 with perjury, we are going to lock you up for five years, I  
23 knew the ploys that they would use to get her to shape her  
24 testimony to what they want.

25 So, what I did was I went to the law library and

1 looked up what would be helpful to Ms. Inge. And I found the  
2 section on immunities.

3 And me not being a lawyer, what I read was that it's  
4 okay to persuade an individual to tell the truth. And that is  
5 the truth as I know it. Because I am incarcerated, all the  
6 information that I received, I wasn't there when she spoke to  
7 law enforcement, I wasn't there during all this stuff, all I  
8 know is what she told me and what she told my attorney.

9 Q. So, you gave her the best advice you could?

10 A. Exactly. I just basically told her, I actually urged her  
11 to go to the grand jury meeting. Because when she wrote me,  
12 she explained that she had just broke up the previous  
13 boyfriend, I have the letter also. And that the other  
14 boyfriend had promised that she didn't have to dance anymore.  
15 And during that period she didn't dance, she didn't make any  
16 money, so she didn't have any money for a plane ticket. And  
17 she received the subpoena on March 1 for her to go on the 5th,  
18 and she was just frustrated, she didn't know how she was going  
19 to make it up there.

20 She called for my family asking for them to help,  
21 but my family refused to get involved. And then she finally  
22 called the Government to arrange a flight to come up to the  
23 meeting because I informed her during the phone call that she  
24 needs to get up there because they are going to arrest her if  
25 she doesn't go to the grand jury hearing.



1           And I explained the different types of immunities  
2 she could obtain. And from listening to the recording, it  
3 seems like I am telling her to plead the Fifth, don't say  
4 anything, but what I read under the immunity clause in the  
5 federal code section is I basically read out the process of  
6 how to receive immunity. Is that you have to, when you are  
7 put in front of the grand jury, you have to go through a  
8 process of refusing to answer until you are given immunity.  
9 And then you can answer without any coercion.

10           And that's all I was trying to do, was to get her to  
11 be able to speak freely without any type of coercion. That  
12 was my only intention. I never asked her to lie, I never  
13 asked her to withhold anything from Government agents.

14           And in regards to Count 9, they claim that I was  
15 withholding, getting her to withhold information from federal  
16 agents, but that's not the case. Because her original  
17 statement was already available for them to prosecute if  
18 that's what they wanted to do. But that's not--

19 Q.    So, you gave her advice?

20 A.    Just legal advice, as she asked me to do to help her  
21 illegal because I knew the circumstances of her situation.

22           MS. MINTER: I have no further questions for you.  
23 The Government may have some questions to ask you.

24           THE DEFENDANT: Yes, ma'am. Thank you.

25           MR. WALUTES: May I proceed, Your Honor?

1 THE COURT: Yes, sir.

2 CROSS EXAMINATION

3 BY MR. WALUTES:

4 Q. Mr. Mohamadi, you are convicted felon, isn't that true?

5 A. Yes, I am.

6 Q. And I thought I heard you say just a moment ago that your  
7 case kept getting continued. Did you say that?

8 A. Yes, I did.

9 Q. Isn't it the truth that since you have been in federal  
10 custody your case has never been continued at the Government's  
11 request?

12 A. Yes. But as soon as I was federally indicted, I was  
13 moved to a location and denied access to attorneys, denied  
14 access to family, denied access to my resources just because  
15 you didn't want this bogus case to fall apart.

16 Q. What was the answer in there, Mr. Mohamadi?

17 A. You asked me, the comment that I made was in regard to  
18 the state case and you asked me about the federal case that  
19 occurred on April 20 of 2009.

20 Q. Do you remember the question?

21 A. Yes, you asked me did I say anything about it being  
22 continued in state court.

23 Q. No. I asked you had your case ever been continued by the  
24 Government since you have been in federal custody?

25 A. No. The Government had over a year to prepare and

1 orchestrate this.

2 THE COURT: Mr. Mohamadi, listen to the question and  
3 answer the question and only the question. And if there is  
4 follow-up, then your counsel will take care of that. All  
5 right.

6 THE DEFENDANT: Your Honor, the Government is asking  
7 me whether they--

8 THE COURT: No, we are going to follow the rules of  
9 evidence.

10 THE DEFENDANT: I understand.

11 THE COURT: You have been given great leeway to tell  
12 your--

13 THE DEFENDANT: I am just explaining--

14 THE COURT: No, no. You listen. Direct examination  
15 you have been given tremendous leeway, and we are going to  
16 follow of the rules of evidence. The rules of evidence on  
17 cross-examination are if the Government asks a yes or no  
18 question that you can answer yes or no to, then you do so.

19 THE DEFENDANT: Okay.

20 THE COURT: If you say I can't answer it yes or no,  
21 then say that.

22 THE DEFENDANT: I understand. I understand. Thank  
23 you.

24 THE COURT: Okay, thank you.

25 BY MR. WALUTES: (Continuing)

1 Q. The truth is, Mr. Mohamadi, you asked for continuances  
2 since you have been in federal court, isn't it?

3 A. Yes.

4 Q. How many times have you asked for a continuance of your  
5 federal trial?

6 A. Twice.

7 Q. Okay. And how many times beyond that has it been  
8 continued? When was your first trial date, do you remember?

9 A. I can't recall.

10 Q. Was it the summer of 2009?

11 A. I can't recall.

12 Q. In your state trial Larry Brown was your attorney, is  
13 that correct?

14 A. Yes, he was.

15 Q. And Silvia was his receptionist?

16 A. Yes, she was.

17 Q. You developed a relationship with Silvia?

18 A. Yes, I did.

19 Q. She made three-way calls for you?

20 A. Yes, she did.

21 Q. You understood that you weren't supposed to use that  
22 phone for three-way calls?

23 A. There was no rule stating that.

24 Q. There was no rule in the Fairfax County Jail that you  
25 could not use an attorney phone to three-way out onto the

1 street?

2 A. No, sir.

3 Q. That's your position?

4 A. That's my position.

5 Q. Under oath that you had no-- You were allowed to use an  
6 attorney line to three-way out and avoid all the monitoring  
7 from the jail?

8 A. I have never seen that in any rules. And the calls are  
9 monitored, they are just not recorded.

10 Q. You understand that the Fairfax County inmate handbook is  
11 in evidence in this case?

12 A. Okay. If you point it out, then--

13 Q. I am not going to point it out to you, but I am making  
14 the point that the jury will be able to read the rules for  
15 that jail?

16 A. Well, I--

17 Q. So, is it your position now under oath that you cannot  
18 use the attorney phone, that you can use an attorney phone to  
19 three-way out into the street and not allow the jail to  
20 monitor your call?

21 MS. MINTER: Your Honor, that is a compound  
22 question.

23 THE COURT: Answer it if you can.

24 A. My position is that I did not see that rule. There is no  
25 rule by the phone stating that. So, I personally did not see

1 that.

2 BY MR. WALUTES: (Continuing)

3 Q. She was trying to be nice to you, Silvia?

4 A. Yes, she was nice in the beginning.

5 Q. You never actually met her?

6 A. No, no, sir, I have never met her prior to her coming to  
7 this court proceeding.

8 Q. She was lonely?

9 A. Who?

10 Q. Silvia.

11 A. No, she was actually involved in a relationship.

12 Q. Why did she spend so much time with you?

13 A. She is just a friendly person.

14 MS. MINTER: Calls for speculation.

15 THE COURT: If you know.

16 A. I mean, I can't speak what's inside her head, Your Honor.

17 BY MR. WALUTES: (Continuing)

18 Q. Well, she helped you with your prostitution business.

19 A. I have never had a prostitution business.

20 Q. She took a 9 millimeter and tried to get it to Steve,  
21 correct?

22 A. And what are you basing this off of?

23 Q. I am sorry, did you hear that testimony from her?

24 A. Okay.

25 Q. Did you hear that testimony?

1 A. Just because you coerce someone to say something doesn't  
2 mean that it is actual fact. Just because someone says  
3 something doesn't make it fact.

4 Q. Now, the Steve she was trying to bring that gun to, that  
5 was Stephen Grant, correct?

6 A. And what are you basing this from?

7 Q. Well, did you hear Stephen Grant say that the  
8 receptionist was trying to get him a gun, but the cops told  
9 him not to go get it?

10 A. I have heard this 18 felony convicted individual who has  
11 been allowed to continue to come back to society and terrorize  
12 society say a lot of stuff that I didn't agree with.

13 Q. Well now, you know he was released in 2007, correct?

14 A. Of course, thanks to the wonderful judicial system.

15 Q. You are making fun of the judicial system now, are you,  
16 Mr. Mohamadi?

17 A. He has had 18 felony convictions.

18 Q. So, you think that the judicial system didn't do a very  
19 good job?

20 A. I can't speak for the judicial system. I can just speak  
21 for the fact that this individual was out terrorizing society,  
22 burglarizing.

23 Q. You know that because you are in jail?

24 A. I know that from discovery, from receiving discovery and  
25 receiving these facts.

1 Q. You had a BMW back in 2007, correct?

2 A. Yes, I did.

3 Q. And your family lived in Springfield on Voila Street like  
4 Mr. Grant said when he was testifying in this courtroom, isn't  
5 that correct?

6 A. Yes, I did.

7 Q. And he went to look at your BMW parked in your garage  
8 while you were in jail, correct?

9 A. I have no knowledge of that.

10 Q. Well, your BMW was in your garage in your parent's house?

11 A. Yes, it was.

12 Q. And the garage has a window that you can see through?

13 A. Yes, it was.

14 Q. So, if Mr. Grant went to your house, he could have seen  
15 your BMW?

16 A. He couldn't have just casually seen it. The windows are  
17 pretty up high. He would have had to step on something and  
18 look inside the garage. That's a lot of effort to make, but I  
19 guess that's not uncommon for a burglar to do something like  
20 that.

21 Q. Do you remember when Mr. Bryan was testifying about how  
22 you offered him a position in your prostitution business?

23 A. Now, what are you basing this accusation of  
24 prostitution--

25 THE COURT: The question was do you remember the



1 testimony of Mr. Bryan when he testified regarding your  
2 prostitution business?

3 A. Yes, I remember that false assertion.

4 Q. You saw the tapes? You heard the tapes?

5 A. What tapes?

6 Q. The tapes of him talking to you.

7 A. Of Mr. Bryan?

8 Q. Yes.

9 A. Of us discussing his future activities in prostitution of  
10 what he would do? Are you referring to those conversations?

11 Q. No. The conversations where you were asking him to kill  
12 the man who had a scar on his head. Do you remember that  
13 conversation?

14 A. I have had several repulsive conversations in jail with  
15 individuals, so--

16 Q. Did you hear the tape played last week of you telling him  
17 who to kill?

18 A. Yes, I did hear that tape.

19 Q. It was your voice, wasn't it?

20 A. Yes, it was.

21 Q. And it was Mr. Bryan's voice?

22 A. Yes, it was.

23 Q. And do you remember when he was asked on  
24 cross-examination if he had any reason to believe you really  
25 had a prostitution business?

1 A. Yes, I do remember that.

2 Q. Do you remember standing up in the courtroom and saying,  
3 open the door wide, bring it on?

4 A. No. I asked whether he could provide any evidence as to  
5 what he was saying. And the question was not open the door  
6 wide. You basically got up to threaten and say, well, that's  
7 going to open up the door.

8 I was basically asking you to go ahead and provide  
9 evidence as to me operating a business and not provide just a  
10 bunch of garbage talk inside of a jail cell.

11 Q. Do you remember my question? Do you remember my  
12 question?

13 MS. MINTER: Your Honor, perhaps we could restate  
14 the question.

15 Q. Your Honor, I would like to see if he could remember the  
16 question. That's my next question.

17 Do you remember my question, Mr. Mohamadi?

18 A. Could you please restate your question.

19 Q. Do you recall standing up and saying, open it wide, bring  
20 it on?

21 A. I can't recall saying that.

22 Q. You do recall standing up? Do you recall standing up?

23 A. I can't recall exactly at what point in time I stood up.

24 Q. Well, the truth is you did--

25 A. There has been a lot of stuff that has made me stand up

1 during this prosecution.

2 Q. The truth is you used your attorney, your state  
3 attorney's secretary to run a, help you run a prostitution  
4 business while you were in jail?

5 A. I never ran a prostitution business. I spoke with  
6 individuals that were involved in activities. Just because  
7 you communicate with someone, just because I speak with Ms.  
8 Minter doesn't make me a lawyer. Just because I speak to the  
9 honorable judge, doesn't make me a judge. Just because I have  
10 interaction with someone that is involved in certain  
11 activities does not make me responsible for their activities.

12 THE COURT: All right. Listen for the next  
13 question, please. And answer the questions now. All right.

14 THE DEFENDANT: Yes, Your Honor.

15 BY MR. WALUTES: (Continuing)

16 Q. The truth is you had a single mother prostitute herself  
17 and bring her money from prostitution to your jail canteen  
18 account, isn't that correct?

19 A. False, that is false.

20 Q. You are absolutely certain?

21 A. That is false. What you are stating is false.

22 Q. You were moved to the Alexandria Jail in what, May of  
23 2008, somewhere in May of 2008?

24 A. Yes.

25 Q. And at that point they start keeping a record of your

1 canteen?

2 A. Yes, they do.

3 MR. WALUTES: Your Honor, this has been previously  
4 admitted as Government's Exhibit No. 57A. And if I could ask  
5 him, Mr. Mohamadi, to have the opportunity to look at this  
6 exhibit.

7 Your Honor, I would ask permission to be able to  
8 publish pages from this admitted exhibit?

9 THE COURT: Yes, sir, you may.

10 BY MR. WALUTES: (Continuing)

11 Q. Mr. Mohamadi, we will start with Alexandria, which I  
12 believe is the first one. Do you see how when you look inside  
13 that, there is item numbers for each specific deposit and  
14 withdrawal?

15 A. Yes, I can see that.

16 Q. Do you see item number 77?

17 Do you see item 77?

18 A. Yes, I do.

19 Q. Okay. And do you see this as being on the top of the  
20 page your account at the Alexandria Jail?

21 A. Okay.

22 Q. Yes or no?

23 A. Yes.

24 Q. And do you see the date, June 23 of 2008?

25 A. Yes, I do see that date.

1 Q. And do you see the name of who deposited money into your  
2 account, Jessica H?

3 A. I don't see that.

4 Q. Under Pay To/From. It is about the middle of this.

5 A. Which document is that?

6 Q. Item 77. I am only talking about that one page, Mr.  
7 Mohamadi.

8 A. I am looking at item 77, and it says 6/23 receives  
9 inmate's money--

10 Q. I am sorry, I am looking at behind that where there  
11 actually is a page for each entry. It has handwritten item  
12 numbers to the right of the page.

13 A. I see a money order from Pleasant Broadnax, an attorney,  
14 \$1,000 of--

15 Q. Mr. Mohamadi, does it have an item number to the right, a  
16 handwritten item number?

17 A. I can't see the item number.

18 Q. Can you look at the screen--

19 A. I see money deposited from an attorney, \$1,000.

20 Q. Mr. Mohamadi, can you look at the screen to your left in  
21 the witness box, do you see a small screen there below the--  
22 Do you see the item number to the right where it says 77?

23 A. Okay.

24 Q. Could you find that, please.

25 A. Yes, I can. I am at number 77.

1 Q. Okay. Do you see in the middle where it says Jessica H  
2 has deposited, and down at the bottom, \$500 into your inmate  
3 fund account?

4 A. Yes, I do see that.

5 Q. So, Jessica Hull put \$500 into your account on June 23 of  
6 2008?

7 A. Yes, I see that she deposited \$500.

8 Q. Okay. Now, if you could go to 78.

9 Do you see on the same day a second entry, June 23,  
10 Jessica H, inmate funds, an additional 50?

11 So, she deposited a total of 550 that day, correct?

12 A. Yes.

13 Q. Now, if we could go to 85. Do you see 85? I don't want  
14 to get ahead of you.

15 Are you at 85, Mr. Mohamadi?

16 A. Yes, I am at 85.

17 Q. Do you see on June 6 of 2008 Jessica Hull has now  
18 deposited another \$500 into your account?

19 A. Wow.

20 Q. I'm sorry?

21 A. Yes, I do see that.

22 Q. Did you say wow?

23 A. Yes.

24 Q. Okay. So, the fact that you are having a mother with  
25 four children deposit all the money she is earning from

1 prostitution gets a wow?

2 A. Where are you getting from that this money is coming from  
3 prostitution?

4 MS. MINTER: Argument at this point.

5 THE COURT: Overruled.

6 A. You are just making statements without any proof. Do you  
7 have footage, do you have proof of her activities? And of me  
8 telling her to conduct these activities?

9 THE COURT: You listen to the question and answer  
10 the question.

11 THE DEFENDANT: I understand, but he is--

12 THE COURT: I told you your lawyer on redirect  
13 will--

14 THE DEFENDANT: He is manipulating it, he is  
15 misleading stuff.

16 THE COURT: No, no. Listen.

17 BY MR. WALUTES: (Continuing)

18 Q. I am manipulating you right now?

19 A. No. You are a manipulator.

20 Q. I am the manipulator?

21 A. Yes, you are. You manipulated all the witnesses that  
22 have stood up and lied on the stand.

23 THE COURT: Mr. Mohamadi--

24 THE DEFENDANT: You coached them--

25 THE COURT: Mr. Mohamadi, you listen to the question

1 and you get the answer. And you know the consequences of  
2 violating the rules --

3 THE DEFENDANT: I apologize.

4 THE COURT: -- in the courtroom.

5 THE DEFENDANT: I apologize, Your Honor. I don't  
6 mean to disrespect the Court. I apologize.

7 THE COURT: I realize. Let's keep it within the  
8 rules of evidence.

9 Ask your next question.

10 BY MR. WALUTES: (Continuing)

11 Q. Your Honor, if I could ask Mr. Mohamadi to look at now  
12 what is item 88 from his canteen.

13 Do you see this, Mr. Mohamadi? Are you at 88?

14 I don't want to get ahead of you.

15 A. Yes, I am.

16 Q. And do you see on May 30 of 2008, Jessica Hill, they  
17 misspelled her name, it actually should be Hull, shouldn't it,  
18 with a u?

19 A. I do see that.

20 Q. Do you see that she deposited \$200 to your account on  
21 May 30 of 2008?

22 A. That is what it shows.

23 Q. Okay. Now if I could ask you to look at item number 90.

24 Do you see this item 90, Mr. Mohamadi?

25 A. Yes, I do.



1 Q. Do you see that again they have misspelled her name,  
2 Jessica Hill, on May 23 of 2008 has deposited \$500 into your  
3 account?

4 A. Yes, I do see that document.

5 Q. And so, in just one month between May 23 of 2008 and June  
6 of 2008, June 23 of 2008, Ms. Hull had deposited \$1,750 into  
7 your account?

8 A. Okay.

9 Q. And you used that money to give it to Amanda to make sure  
10 she would stick by your side?

11 A. That's false.

12 Q. But you gave her money?

13 A. That's false. She was with me before I even had any  
14 intersection with Ms. Hull. So, I don't understand how that--

15 Q. When you were in jail in Alexandria, summer of 2008  
16 before your trial in December of 2008-- And I think your  
17 attorney was asking Ms. Inge yesterday that she went to see  
18 your attorney, Mr. Brown, do you remember that testimony?

19 A. Yes, I do.

20 Q. That was in the summer of 2008?

21 A. Yes, it was.

22 Q. And after she went to your attorney and gave, and talked  
23 to him, you started giving her money, correct?

24 A. Is that what you're saying?

25 Q. I'm asking you.

1 A. No. That is not what occurred.

2 Q. You gave her money?

3 A. I have provided her with funds, yes, I have.

4 Q. And you gave her money during the summer of 2008?

5 A. I can't recall doing that during the summer of 2008.

6 Q. Well, you know it was after she talked your attorney like  
7 you asked her to, right?

8 A. Could you show me a document stating that so it would  
9 refresh my memory?

10 Q. Certainly.

11 A. Thank you. I am sure that, it probably was, I would just  
12 like to see a document.

13 Q. I understand. If you could look at item number 72. Do  
14 you see item number 72, Mr. Mohamadi?

15 A. Yes, I do.

16 Q. Okay. Now, this is going the other way. You are  
17 actually disbursing funds now, correct? Do you see check  
18 withdrawal?

19 A. Yes, I do, release 1,500.

20 Q. And so, on August 1 of 2008 you have disbursed \$1,500 to  
21 an Amanda Inge, correct?

22 A. Yes, I did release that money so she could visit her  
23 father who was on his death bed for cancer. And I gave her  
24 that money so she could make that plane ticket.

25 Q. I am sure you have-- Mr. Mohamadi, that wasn't the

1 question.

2 A. And soon after--

3 THE COURT: You can't get a transcript when both  
4 people are talking at the same time. You listen to--

5 THE DEFENDANT: Can I just say one thing, Your  
6 Honor, please?

7 THE COURT: No. We can't--

8 THE DEFENDANT: Just let me get some clarification.

9 THE COURT: No, no, no. You listen to the question  
10 and answer the question if you can. And if you have follow-up  
11 testimony you would like to give, you let your attorney know  
12 and that attorney will ask the question on redirect. All  
13 right.

14 THE DEFENDANT: Yes, I will.

15 THE COURT: Okay. And when both people are talking,  
16 the court reporter has an impossible job and the record won't  
17 be accurate. All right.

18 THE DEFENDANT: Yes, Your Honor.

19 THE COURT: All right. Will you follow my  
20 direction?

21 THE DEFENDANT: Yes, Your Honor.

22 THE COURT: All right. Ask your next question.

23 BY MR. WALUTES: (Continuing)

24 Q. If I could ask you, Mr. Mohamadi, to look at item 67.

25 And this item on August 14 of 2008, you have given a

1 check to your sister, and now we actually have the spelling, I  
2 don't want to mispronounce your sister's name, can you say  
3 your sister's name.

4 A. Homaira.

5 Q. Okay. Homara?

6 A. Homaira.

7 Q. I'm sorry?

8 A. Homaira.

9 Q. Homaira.

10 A. Homaira. The H is silent. Homaira.

11 Q. Homaira?

12 A. Yes, yes, sir.

13 Q. I apologize. I actually don't mean to mispronounce her  
14 name. At this point you have given her a \$400 check, correct?

15 A. I released \$400 to her, yes, I did.

16 Q. Now, she didn't money to help you try to beat your state  
17 case, did she?

18 A. She does not need money at all.

19 Q. Okay. So, this money is actually for Amanda, correct?

20 A. No. This money is actually to buy Jessica Hull some  
21 items for her children because she wouldn't do it.

22 Q. Okay.

23 A. She was too busy running around, she wouldn't even take  
24 care of her own kids.

25 THE COURT: All right, wait for the next question.

1 Q. If you could look at item 36.

2 Do you see 36, Mr. Mohamadi?

3 A. Yes, I do.

4 Q. Okay. Now, on this date, November 24 of 2008, just to  
5 orientate you, what is that, two weeks before your state  
6 trial?

7 A. Okay.

8 Q. Is it two weeks before your state trial? Don't say okay,  
9 Mr. Mohamadi. Do you recall today when you went to trial?

10 A. Yes, I went to trial December 8.

11 Q. Okay. So, how far would you say this is before your  
12 state trial?

13 A. What you said, two weeks.

14 Q. Okay. And on that day you have given another check to  
15 Amanda Inge for \$130, is that correct?

16 A. That is correct.

17 Q. Okay. If you can now look at item 22.

18 Do you see this item, sir? Do you see this item?

19 A. 22?

20 Q. Yes.

21 A. Yes, I do.

22 Q. And so, after your trial, now on February 4 of 2008, this  
23 is when she has actually gone to Miami, correct?

24 A. Yes, sir.

25 Q. Okay. On this date you have given her a check for

1 another \$100 after she has testified as a witness in your  
2 trial?

3 A. Yes, her birthday was on the 8th.

4 Q. I understand. And then when you talked to her at  
5 midnight or a little after midnight, 12:43 on March 5 of 2009,  
6 now she is coming to the federal grand jury, you heard that  
7 the tape played when Deputy Burnham was admitting all the jail  
8 tapes?

9 I am sorry, did you hear the question, Mr. Mohamadi?

10 A. I am sorry, I didn't hear the question. I apologize.

11 Q. Did you hear the tape played yesterday by Deputy Burnham  
12 of you speaking to Ms. Inge through Dominik Brown at midnight  
13 as you explained the late hour right before she is testifying  
14 before the federal grand jury?

15 A. Yes, I did hear that.

16 Q. Okay. And on page 19 of that transcript did you say--

17 A. Can I please look at the transcript so I can--

18 Q. You sure can, Mr. Mohamadi. I actually have an extra  
19 copy for you. I clipped them together. The Court Security  
20 Officer--

21 If I could ask you to look at page 18 of the  
22 transcript of your conversation with Ms. Inge on March 5 of  
23 2009 at 12:43 a.m. through Mr. Brown.

24 Do you see on line 20 on page 18, I am going to read  
25 a couple lines, Mr. Mohamadi. At the end I am going to ask

1 you if I have accurately read it, so please make sure I do.

2 A. Okay.

3 Q. Mr. Mohamadi: And tell her I got her, man. Tell her I  
4 can do-- Mr. Brown: He got you.

5 Mr. Mohamadi: I can do like 500 for her, to help  
6 her with her rent. Mr. Brown: Said he can do 500 to help you  
7 with your rent.

8 Mr. Mohamadi: She's got to come look at my ugly  
9 face. Mr. Brown: He said you got to come look at his ugly  
10 face.

11 Mr. Mohamadi: Saturday, 2 o'clock. Mr. Brown:  
12 Saturday, 2 o'clock.

13 MS. MINTER: Your Honor, I would object to just  
14 reading the entire transcript back in evidence. I think he  
15 can direct him to the portions and ask him questions, but I  
16 don't think it is appropriate to reiterate the evidence.

17 THE COURT: Overruled. Go ahead.

18 BY MR. WALUTES: (Continuing)

19 Q. And then Mr. Mohamadi: And he'll release the joint. Mr.  
20 Brown: And he'll release the joint.

21 Mr. Mohamadi: That's a deal?

22 Is that accurately read, Mr. Mohamadi?

23 A. Yeah.

24 Q. Okay. So, what you were saying to Ms. Inge hours before  
25 she appeared before the federal grand jury is, you would give

1 her money, but she had to come see you after she testified in  
2 the grand jury before you would give it to her, correct?

3 A. That's not correct.

4 Q. I'm sorry, what was the deal that you thought you were  
5 just arranging with her?

6 A. There was no deal that I was arranging. Can I explain?

7 Q. Please.

8 A. Okay. If you notice right before that line 20, on line  
9 18 Mr. Brown informs Ms. Inge that I just received her letter.  
10 And in that letter she basically explained the situation where  
11 her boyfriend had, or some guy she met at the club had  
12 promised her, oh, you know, you don't have to work at this  
13 club no more, I will take care of you.

14 So, she stopped working for that month and ran off  
15 with guy. And then this guy after a certain period of time  
16 stopped talking to her, and now she was left high and dry.

17 And in this letter she discusses this event. So,  
18 that's why I basically told her that I could help her out with  
19 that if she came to visit me. There was nothing in regards to  
20 the case. There is no deal in regard to testimony. It was  
21 just saying, look, I can help her out, I understand her  
22 situation.

23 Q. So, you are calling her a few hours before her federal  
24 grand jury appearance because you are just a friend that wants  
25 to be there for her?



1 A. You notice in February I sent her \$100 for her birthday.  
2 I mean, she had been very supportive during the first two  
3 years. If you could see the volumes upon volumes of phone  
4 calls--

5 Q. I am sorry, Mr. Mohamadi, what's the question?

6 A. You basically insinuated--

7 THE COURT: Listen to the question and answer the  
8 question. Next question.

9 Q. Thank you, Your Honor.

10 Mr. Mohamadi, you testified in your state trial in  
11 December of 2008, correct?

12 A. Yes, I did.

13 Q. You were under oath in that proceeding, weren't you?

14 A. Yes, I was.

15 Q. And you were the only one on trial, correct?

16 A. Yes, I was.

17 Q. So, you weren't helping anybody else when you testified,  
18 you were trying to make sure the jury knew what you wanted  
19 them to hear?

20 A. I was trying to provide the jury with facts as I believed  
21 it at that time.

22 Q. And was that the truth?

23 A. Excuse me?

24 Q. When you testified--

25 A. I just said I was trying to provide the jury with the

1 facts that I believed.

2 Q. And the question now is, when you testified in December  
3 of 2008, did you testify truthfully to the jury?

4 A. Yes, I did.

5 Q. Okay, let's spend some time with your testimony. Do you  
6 have a copy of your-- Let's see.

7 Mr. Mohamadi, would you like a copy of your trial  
8 testimony?

9 A. Sure, that would be helpful.

10 Q. Thank you. If I could draw your attention-- Do you see  
11 that as your testimony, Mr. Mohamadi?

12 A. Yes, it is.

13 Q. Okay. If I could ask you to look at page 108, line 12.  
14 Do you see where your attorney, Mr. Brown, was asking you  
15 questions, correct?

16 A. Yes.

17 Q. And Mr. Brown asks you: How long have you known Ms.  
18 Inge? And you say: Almost four years.

19 A. Yes.

20 Q. That's dramatically different than what Ms. Inge  
21 testified to that she had known you for two or three months  
22 before the robbery?

23 A. Ms. Inge's testimony has changed many times.

24 Q. So, your testimony now is that you have known Ms. Inge--  
25 This is given in 2008. So, you say now that you have known

1 her for four years, since 2004?

2 A. Yes, I have.

3 Q. Okay.

4 A. She was a dancer at Crystal City during that period.

5 Q. The only question I want to know, make sure we are  
6 sticking with that. And then do you see where line 18, on the  
7 same page: Were you at any point romantically involved with  
8 Ms. Inge?

9 Do you remember that?

10 A. Yes, I do.

11 Q. Okay. And what was your answer?

12 A. In the beginning I was romantically involved.

13 Q. Okay. So, at the time you were giving this testimony,  
14 the time when you were on trial, what did you tell the jury?

15 A. In regards to what?

16 Q. Whether you had a romantic relationship with the witness  
17 who was also testifying before them at that trial?

18 A. I told them that we had a romantic relationship in the  
19 beginning.

20 Q. Which meant four years earlier?

21 A. About.

22 Q. Okay. And that's a lie, right?

23 A. Why would that be a lie?

24 Q. I'm asking you, is that a lie?

25 A. No, it's not.

1 Q. If I could ask you to look at Exhibit 51, previously  
2 admitted into evidence when Ms. Inge testified.

3 Do you see it?

4 A. Yes, I do.

5 Q. This is a letter you wrote to her after your state trial,  
6 right?

7 A. I don't see the date.

8 Q. Okay. Well, you're talking about how you can have  
9 someone spy on her in Miami, right?

10 A. Regarding her drug use in Miami, not anything else.

11 Q. Mr. Mohamadi, save that for your attorneys. My question  
12 is to you, she moved to Miami, Florida for the first time in  
13 December of 2008, correct?

14 A. Can I read the whole letter?

15 Q. Please do. But we are going to read it out loud in the  
16 courtroom. So, if you want, go ahead and read it first, make  
17 sure it's you?

18 A. If you are going to read it, go ahead.

19 Q. Okay.

20 A. There is no point.

21 Q. Okay. Do you recognize your handwriting?

22 A. Yes, I do.

23 Q. And do you see on the second page where you sign it?

24 A. Yes, I did sign it.

25 Q. Okay. Do you see where you say: Dear Amanda, hello my

1 love?

2 A. Yes, I did.

3 Q. And do you see where you say: Don't think I can't spy on  
4 you in Miami?

5 A. You skipped a big part.

6 Q. I'm sorry, you can read the whole letter out loud if you  
7 would like. I was just going to try--

8 A. I would like if you read it and I can answer any  
9 questions as you read the whole letter.

10 THE COURT: Take moment and review the letter and  
11 then counsel will ask you the questions he wants. And the  
12 parts, and then as I indicated, if you want to complete  
13 something, your counsel will help you.

14 THE DEFENDANT: Okay, Your Honor.

15 THE COURT: All right.

16 THE DEFENDANT: Okay.

17 BY MR. WALUTES: (Continuing)

18 Q. And so, in this letter you tell her: Don't think I can't  
19 spy on you in Miami; is that an accurate statement?

20 A. That is one of the sentences in this letter.

21 Q. Okay. You also tell her, I'm sorry, down on the  
22 paragraph below that: But every day away from you, but every  
23 day away from you is a day of misery and suffering. I can't  
24 wait to get back out there and be the, be with the one person  
25 I love and adore!

1 Do you see that?

2 A. Yes, I do see that.

3 Q. If you could go to the second page. Obviously, the jury  
4 will be able to read the whole thing. I just want to go to  
5 just your finish: Baby, I love you so much. We will make it  
6 through this! Love, signed you.

7 A. Yes.

8 Q. Okay. So, when you told the jury a month earlier that  
9 you weren't romantically involved, you lied to that jury,  
10 didn't you, Mr. Mohamadi?

11 A. And what are you basing off of this letter to say that I  
12 am romantically involved? I told Mr. Brown I loved him in the  
13 phone conversation, so--

14 Q. You lied to them?

15 A. Does that make me romantically involved with Mr. Brown  
16 also because I told him I loved him at the end of the  
17 conversation?

18 Q. I am sorry, are we talking about Mr. Brown?

19 A. I am just--

20 Q. Who are we talking about, Mr. Mohamadi?

21 A. I am just in regard to your insinuations, that's all.

22 THE COURT: Just listen to the questions.

23 A. We're talking about Amanda--

24 THE COURT: Stop, stop. Listen to the question and  
25 answer the question. All right.

1 THE DEFENDANT: Okay, Your Honor.

2 THE COURT: Thank you.

3 THE DEFENDANT: I am trying my best.

4 THE COURT: Next question.

5 BY MR. WALUTES: (Continuing)

6 Q. You also testified to the jury that Mr. Bryan was  
7 testifying against you because you had switched faiths?

8 A. That's one of many reasons why Mr. Bryan did that.

9 Q. I am sorry, I asked you a question. Do you remember what  
10 the question was?

11 A. What was the question again?

12 THE COURT: Ask your next question. He has answered  
13 that question.

14 MR. WALUTES: Your Honor, I intend to go through his  
15 testimony on that question.

16 THE COURT: That's fine.

17 MR. WALUTES: Thank you, Your Honor.

18 BY MR. WALUTES: (Continuing)

19 Q. When you were testifying in the state court before a  
20 jury, you said that you were no longer Muslim and that's why  
21 Richmond Bryan was testifying against you, correct?

22 A. Can you point out the section you are referring to?

23 Q. I sure can. If I could ask you to look at page 115-- Do  
24 you still have the transcript in front of you?

25 A. Yes, I do.

1 Q. 115. Your Honor, I am sorry, I have an extra copy if the  
2 Court would like me to pass one up.

3 THE COURT: No, I am fine for now, thank you.

4 Q. Do you see it, Mr. Bryan? I am sorry, Mr. Mohamadi.

5 A. What page is it again?

6 Q. Page 115, line 19.

7 A. Okay.

8 Q. Do you see on line 19 where it says: By mid-October I  
9 actually converted, I accepted Christ. Mr. Brown asked you:  
10 Well, before you talk about mid-October, did there ever come a  
11 period of time in which you lost touch with Mr. Bryan?

12 Answer, this is you talking: Because of that?

13 Question: When was that? Answer: When I made that  
14 announcement. Because there was a little group of us that  
15 usually hung out or, you know, we prayed and stuff like that,  
16 but when I made the announcement that I converted, I accepted  
17 Christ, that's when I noticed a negative reaction there. He  
18 was a little argumentative at first, but eventually we just  
19 stopped talking.

20 A. Okay.

21 Q. That's your sworn state testimony, correct?

22 A. Yes, that is.

23 Q. That is you talking?

24 A. That is.

25 Q. But the jury didn't get to hear the tape recordings that



1 you and Mr. Bryan had, did they?

2 You saw the whole trial, nothing happened outside  
3 your presence?

4 A. Yeah.

5 Q. When Mr. Bryan testified, was he allowed to answer any  
6 questions about the murder for hire?

7 A. They didn't come in the state trial.

8 Q. Was he allowed to play any of the tapes?

9 A. No, no tapes were played during the state trial even  
10 though we requested them.

11 Q. Okay. Again, save that for your attorney, Mr. Mohamadi.  
12 If we can just focus on my--

13 MS. MINTER: Your Honor, I don't think the  
14 Government gets to dictates which ones he answers--

15 THE COURT: I will make the rulings, but Mr.  
16 Mohamadi has been cautioned at least five times now to answer  
17 the question that is asked.

18 THE DEFENDANT: Yeah, I am under a microscope, but  
19 the Government's witnesses were able to --

20 THE COURT: No, no. You're--

21 THE DEFENDANT: -- insinuate and say all types of  
22 other stuff, but I am supposed to just play into his--

23 THE COURT: No, stop. It's time for a break.

24 THE DEFENDANT: It's not fair at all.

25 THE COURT: We will take 15 minutes now and we will

1 come back for further testimony. And you are excused. Thank  
2 you.

3 NOTE: At this point the jury leaves the courtroom;  
4 whereupon the case continues as follows:

5 JURY OUT

6 THE DEFENDANT: That is amazing, to dictate what a  
7 person says.

8 THE COURT: Have a seat. All right.

9 I am going to give you 15 minutes to calm down.

10 THE DEFENDANT: I am calm, Your Honor. I am not  
11 upset.

12 THE COURT: No, you're not, you're not answering the  
13 questions. This is how, you have been through trial before  
14 and you were on cross-examination before in state court. I  
15 don't know what happened in your robbery trials, whether you  
16 pled guilty or you went to trial in those, but you know the  
17 rules.

18 And let me remind you, you had great leeway that the  
19 prosecutor didn't object to any leading questions. You were  
20 asked leading questions. You were permitted to get the full  
21 explanation out as to why Ms. Inge said what she said on the  
22 stand. You were allowed to talk about the tapes that  
23 contradict certain evidence. There were no objections made.  
24 You now have been able to get that into evidence.

25 And you are going to respond to the questions that

1 you are asked or there are going to be sanctions. I will give  
2 you an opportunity to speak.

3 THE DEFENDANT: Can I just say--

4 THE COURT: You need to calm down. There hasn't  
5 been one question that was asked by the prosecutor which was  
6 improper. There were a couple comments when you went back and  
7 forth, but you can eliminate that by answering the questions.

8 And here are the rules. When he asks a question  
9 which asks only for a yes or no answer, if you can answer it  
10 yes or no, you do so.

11 If you say, I can't answer that yes or no, that's  
12 all you have to say. And if you say, may I explain, and he  
13 says, go ahead, you may then answer that and explain.

14 Otherwise, you wait for redirect where your counsel  
15 will have the opportunity to ask you questions. And we will  
16 take a break after cross-examination so you can consult with  
17 your counsel.

18 THE DEFENDANT: Thank you.

19 THE COURT: And bring up the areas that you want to  
20 amplify on. Do we understand each other?

21 THE DEFENDANT: Yes, I do, Your Honor. Can I say  
22 something?

23 THE COURT: Yes, sir.

24 THE DEFENDANT: Can I explain where my confusion is?  
25 The problem is, he is not just asking me a question. He will

1 make an insinuation--

2 THE COURT: If he--

3 THE DEFENDANT: Can I just explain where my  
4 confusion is so I can--

5 THE COURT: Go ahead.

6 THE DEFENDANT: So, what he will do is say, for  
7 example, he will say-- Instead of just saying, did you walk  
8 to the store, he will say, didn't you walk to the store with  
9 the intention to kick the ball?

10 And what I will say, I will explain to him, I am--  
11 He is basically telling me to say yes or no. So, if I say  
12 yes, than am I saying yes to walking to the store, or am I  
13 also saying yes to walking to the store and kicking the ball?

14 But if I say no to kicking the ball and say no to  
15 that, then he is going to come back and say, well, it says  
16 right here that you walked to the store.

17 THE COURT: If he asks--

18 THE DEFENDANT: So they are trying to make me a  
19 liar.

20 THE COURT: If he asks a compound question, then you  
21 can say, that's two questions. Or you can say, I can't answer  
22 that question and he will break it down.

23 THE DEFENDANT: I don't want, I don't want to seem  
24 like I am withholding anything or trying to be deceitful to  
25 the jury. I want to basically answer the questions --

1 THE COURT: If you think--

2 THE DEFENDANT: -- and address the insinuations that  
3 he is making.

4 THE COURT: If you think the way you have been  
5 answering some of these questions is helping your case, you  
6 are wrong. You ought to consult with counsel about that.

7 THE DEFENDANT: I know it is not helping.

8 THE COURT: But the Government's job is to ask  
9 questions where a yes or no answer-- Where an answer can be  
10 responded to yes or no. If they have compound questions, it's  
11 a compound question, you know, which question do you want me  
12 to answer.

13 THE DEFENDANT: Okay.

14 THE COURT: And you are listening carefully to  
15 questions, I can see that. So, work with that.

16 THE DEFENDANT: Okay. Thank you for that guidance.  
17 I will do that from this point forward.

18 MS. MINTER: Your Honor, if I may address one issue.  
19 I do object to the form of some of the questions. There is a  
20 process for introducing prior testimony, and that process is  
21 if the individual says they don't recall, then their  
22 recollection can be refreshed by allowing them to review it.

23 Or, if they deny it, a prior statement, then the  
24 statement can be read into evidence.

25 I don't think it is appropriate to lead off by

1 reading something from the state trial into evidence and  
2 saying, is this what happened? The question has to be phrased  
3 first. And if the individual denies it, then impeachment with  
4 the prior transcript is appropriate.

5 THE COURT: All right. And that is the rules. And  
6 we varied from them based on answers that Mr. Mohamadi was  
7 giving and the constant requests for the opportunity to read  
8 anything before he answered.

9 So, but let's go back to the way that we started.

10 MS. MINTER: Yes, Your Honor.

11 THE COURT: All right. Then we will come back at  
12 noon and continue on with our cross-examination.

13 NOTE: At this point a recess is taken; at the  
14 conclusion of which the case continues in the presence of the  
15 jury as follows:

16 JURY IN

17 THE COURT: All right, let's proceed.

18 MR. WALUTES: Thank you, Your Honor.

19 BY MR. WALUTES: (Continuing)

20 Q. Mr. Mohamadi, do you remember where we were before our  
21 break?

22 A. No, sir, I can't recall exactly.

23 Q. Do you remember just reviewing some of the transcript  
24 where you said that you had stopped speaking with Mr. Bryan in  
25 mid-October when you testified in the state trial?

1 A. Yes, I did.

2 Q. Okay. So, you told the jury that you had no more  
3 conversations with Mr. Bryan after mid-October?

4 A. What page was it again?

5 Q. I'm sorry, over the break I was going to the next  
6 question. I will find it, Mr. Mohamadi. I think it is  
7 page 115 or 116, perhaps, line 14. 116--

8 A. Page 115 or 116?

9 Q. Yes.

10 A. Which one, 115 or 116?

11 Q. 116 I believe is where we were, sir.

12 A. Okay.

13 Q. Do you see, he was a little argumentative, on line 13?

14 A. Okay.

15 Q. Okay. Do you see where you said you just stopped  
16 talking?

17 A. I see where I said that.

18 Q. Okay. And earlier when your attorney was asking you the  
19 questions, he said to you about when was it, and you said  
20 mid-October. I think that's the page before on line 20.

21 A. Okay.

22 Q. So, the fact that you are recorded talking to Mr. Bryan  
23 in November of 2008 shows that you didn't stop talking to him,  
24 did you, Mr. Mohamadi?

25 A. Can I clarify that I didn't say I stopped talking to him.

1 If you look at line 1 and 2, did there come a period of time  
2 in which you lost touch with Mr. Bryan. There was a small  
3 window, a period that we didn't speak. I am not saying that I  
4 didn't speak from that point forward.

5 Q. You testified that your personal decision, I am not  
6 questioning any of that, but your personal decision to switch  
7 faiths occurred during Ramadan, correct?

8 A. Yes.

9 Q. For those people who aren't--

10 A. I'm sorry. I'm sorry. The decision to switch faiths  
11 didn't occur-- I accepted Christ as my savior during that  
12 period. I mean, I was already interested in discussing and I  
13 was getting ministered prior to that back in 2005. But I  
14 accepted, that's the big difference of a person that is truly  
15 Christian or something else, is when you finally accept Christ  
16 as your savior, not just read a Bible or--

17 Q. And so, you had accepted Christ long before you had those  
18 recorded conversations with Mr. Bryan in November of 2008,  
19 correct?

20 A. Yes, I did accept Christ before that.

21 Q. And it occurred during Ramadan?

22 A. Yes, it did.

23 Q. And just for people who aren't familiar with Ramadan,  
24 could you tell us in 2007 about the dates of Ramadan? How  
25 long is the celebration of Ramadan?



1 A. It's a period of 30 days where you fast.

2 Q. Okay. And when does it start?

3 A. It varies every year, but it is around that period.

4 Q. End of September, October sometime?

5 A. Yes, sir.

6 Q. And I believe today you went even further, you said that  
7 you had the same conversion during Ramadan back in 2007 when  
8 you were interacting with Mr. Randy Puryear?

9 A. No, there was no conversion at that time. I just said  
10 that prior to that and during that whole period I was having  
11 an inner struggle in regards to a stance. It wasn't in  
12 regards to conversion. I just basically spoke that at that  
13 time I tried to go back and practice what I grew up doing, but  
14 I just couldn't after obtaining the information that I had and  
15 just, you know, my heart was, you know, believed something  
16 else. And I finally-- And at that point I just couldn't go  
17 through the motions anymore.

18 Q. So, what you are asking the jury to believe today is that  
19 these people who are Muslim, you agree that Mr. Bryan and Mr.  
20 Puryear are Muslims?

21 A. Mr. who?

22 Q. Pressley, I'm sorry. I am so sorry, Mr. Pressley. Thank  
23 you, Mr. Mohamadi. Randy Pressley and Mr. Bryan are both  
24 Muslims, correct? Do you know that?

25 A. Yes.

1 Q. You know that from interacting with them during Ramadan  
2 while you were incarcerated with them?

3 A. Yes, sir.

4 Q. And saw them both come into the courtroom and actually  
5 affirm the oath rather than swear on a Bible, correct?

6 A. I didn't observe that.

7 Q. Okay. But you would ask the jury, your suggestion is  
8 that they are testifying against you because they were in a  
9 different faith?

10 A. No, that's not what I'm saying.

11 Q. Isn't it true--

12 A. I can't speak for what they believe or in their mind.

13 Q. If I could focus your attention, did I understand your  
14 testimony on direct to be that Amanda Inge was helping law  
15 enforcement because they found drugs in her apartment on  
16 June 1 of 2007?

17 A. That's what I was led to believe.

18 Q. I'm sorry, I thought you were testifying from personal  
19 knowledge. Do you know that to be true?

20 A. I know that she has a drug problem and always has drugs,  
21 I know that for a fact. But I don't know, I wasn't there when  
22 law enforcement went into her apartment and did that search.

23 Q. But you testified that they found drugs in her apartment.

24 A. I don't think you heard me correctly. I said that I was  
25 led to believe from Ms. Inge from her own statements to me,

1 but I didn't say that I knew firsthand.

2 Q. And when you testified in the state trial, do you recall  
3 your attorney asking you if you were employed at the time of  
4 the robbery of the taxicab driver?

5 A. Excuse me, rephrase that.

6 Q. Do you recall Larry Brown-- He was your attorney,  
7 correct?

8 A. Yes.

9 Q. Do you recall him asking you while you were under oath in  
10 front of the jury whether you were employed at the time the  
11 taxicab driver, Mr. Haile, was robbed?

12 A. Yes, he did ask me whether I was employed.

13 Q. So, did he focus your attention that at the end of May  
14 were you employed, do you recall that?

15 A. Can you direct me to the section, please?

16 Q. Page 102, line 14.

17 MS. MINTER: Your Honor, may we approach?

18 THE COURT: Yes.

19 MR. WALUTES: Your Honor, this is an interruption of  
20 the Government's cross-

21 THE COURT: I want to find out what the objection  
22 is, so please approach.

23 NOTE: A side-bar discussion is had between the  
24 Court and counsel out of the hearing of the jury as follows:

25 AT SIDE BAR

1 MS. MINTER: Your Honor, this is the same issue. I  
2 don't know where this line of questioning is going, but he  
3 hasn't testified to anything today about where he was working  
4 on--

5 THE COURT: He said he was a car salesman.

6 MS. MINTER: He said that was his line of work, Your  
7 Honor, but he hasn't testified to where he was employed on the  
8 date of the offense. I don't know where this questioning is  
9 going, but it seems to be some modified impeachment whereby  
10 his prior statements are to be brought in, but that's not  
11 appropriate at this point.

12 THE COURT: I am going to allow this question. We  
13 will see where we are going. You make an objection and I will  
14 rule on it, but let's not have side bars every time. I  
15 encourage them, but not on something like this. I don't know  
16 whether it is proper impeachment or not, but we will listen to  
17 the question.

18 We are here. Where are you going with this?

19 MR. WALUTES: Your Honor, he has testified under  
20 oath that he is a car salesman in the state trial. He said  
21 that he was a car salesman at the time, that he made thousands  
22 of dollars that week, that he was working at the time of the  
23 robberies, he wasn't the man.

24 He was fired two months earlier. I have the records  
25 custodian from the employer outside the courtroom right now.

1 I intend to do this. I would ask that I be permitted. It is  
2 proper impeachment.

3 THE COURT: It will be permitted.

4 MS. MINTER: Your Honor--

5 THE COURT: Your exception is noted.

6 MS. MINTER: Your Honor, that is proper impeachment  
7 in a state trial level--

8 THE COURT: It goes to his credibility. It's a  
9 prior statement under oath, which was a lie. Why isn't that  
10 admissible?

11 MS. MINTER: If I may, for the record, Your Honor, I  
12 asked him his line of work. He said he is a car salesman--

13 THE COURT: He has put his credibility at issue by  
14 testifying the way he has. If I am misunderstanding the  
15 rules, you tell me. But he has put his credibility at issue.  
16 He has testified previously under oath. If it was a lie, it  
17 goes to his credibility.

18 MS. MINTER: Your Honor, any witness obviously puts  
19 their credibility at issue by testifying, but he has not--  
20 The Government is attempting to impeach a statement that he  
21 made in a prior--

22 THE COURT: I think they have to ask--

23 MR. NACHMANOFF: Your Honor, if I may. I apologize  
24 for jumping in. I think the issue here is if Mr. Walutes  
25 wants to ask specific questions about May 27 or what he was

1 doing, perhaps the Court will find that that is proper since  
2 he made a general denial of having committed the robbery.

3 There was no question on direct concerning what  
4 money he was earning in particular to be impeached on right  
5 now.

6 And so, rather than have him be impeached based on  
7 his state trial testimony under oath, he needs to be asked  
8 directly those questions. If then a witness is sought on  
9 rebuttal, it would be for the testimony that is given here  
10 today.

11 MR. WALUTES: He testified on direct that everything  
12 he said in the state trial was true and he didn't want to  
13 change any of it. He has already adopted the entire  
14 testimony.

15 THE COURT: Well, he did answer that question. But  
16 ask the preliminary questions to set it up.

17 MR. WALUTES: Very well.

18 NOTE: The side-bar discussion is concluded;  
19 whereupon the case continues before the jury as follows:

20 BEFORE THE JURY

21 MR. WALUTES: May I proceed, Your Honor.

22 THE COURT: Yes.

23 BY MR. WALUTES: (Continuing)

24 Q. Mr. Mohamadi, you testified in the state trial in  
25 December of 2008, correct?

1 A. Yes, sir.

2 Q. And you have already said before we took our break that  
3 everything you told that jury was true, correct?

4 A. Yes, sir.

5 Q. And you told that jury that you were employed as a car  
6 salesman making an awful lot of money at the time that this  
7 taxicab robbery occurred on May 27 of 2007, correct?

8 A. What's the question?

9 Q. You told the jury that you were employed at Eastern  
10 Automotive, that you were making a lot of money, and that you  
11 had no reason to want to rob a taxicab driver on May 27 of  
12 2006, correct?

13 A. What you're saying is not correct exactly.

14 Q. I understand it's not verbatim because nobody wants me to  
15 read the transcript, but--

16 A. But you are saying a whole bunch of stuff, sir.

17 Q. Okay. Let me break it down. Did you testify before a  
18 jury that you were working on May 26 of 2007 at Eastern  
19 Automotive?

20 A. Yes, I did.

21 Q. And was that the truth?

22 A. Yes, it was.

23 Q. And you told the jury that you were making thousands of  
24 dollars, it was a very lucrative job, did you say that?

25 A. I said I was very successful at my job, yes.

1 Q. Okay. And did you say that you were making lots of money  
2 the month before, April of 2007?

3 A. I said the month before I made \$9,000.

4 Q. So, in April of 2007 you said you made \$9,000 at Eastern  
5 Automotive?

6 A. I don't recall giving the specific date. I recall saying  
7 that the month before I made a certain amount of money.

8 Page 103, line 6.

9 Q. Yes. Do you see that?

10 A. Yes, I do.

11 Q. Thank you.

12 A. Can you clarify? It says the previous month I made--

13 Q. If you're willing, I am-- Is this still a true  
14 statement, that answer you gave on line 6?

15 A. Yes, I did --

16 Q. Okay. So, the previous--

17 A. -- make up to 10,000 during a month.

18 Q. I just want to make sure I set the context to this. When  
19 you say a previous month, you mean of April of 2007, correct?

20 A. I meant the previous month of the period that I was  
21 referring to at that point in time.

22 Q. Which is May--

23 A. What I believe-- No, at the time what I believed from my  
24 memory because I was trying to recall back a year in the past.  
25 So, I basically, the decision to take the stand was a last



1 minute effort, and at that point in time when I was asked to  
2 recall a year in the past, I recall the month after when I  
3 earned that much month.

4 Q. You testified to the jury that you were employed at the  
5 time of the robberies, of the bank robbery, correct?

6 A. Yes, I did testify that I was at Eastern Motors during  
7 the day.

8 Q. That you were making a lot of money in that position?

9 A. That I was successful at my job, yes.

10 Q. And that a month before the robbery of the taxicab  
11 driver-- The taxicab driver you accept is robbed on May 27 of  
12 2007?

13 A. I did say I made 10,000 the month before.

14 Q. So, in April of 2007 you told the jury you made \$10,000  
15 and that you are a pretty good salesman, car salesman,  
16 correct?

17 A. Again, I didn't say a specific month. I just said a  
18 month before.

19 Q. That's actually a lie though, correct?

20 A. How is that? I made 10,000 a month during--

21 Q. Because the truth of the matter, Mr. Mohamadi, is that  
22 you were fired from Eastern Automotive in March of 2007?

23 A. That's false. I can pull out the documents if you like  
24 to prove that it was false.

25 THE COURT: Just ask the next question. You said

1 that's incorrect.

2 A. That's incorrect.

3 Q. So, if outside this courtroom I have the records  
4 custodian from Eastern Automotive with your employment file  
5 and they will say you were terminated in March of 2007, that  
6 person is lying?

7 A. There are several documents. There is other conflicting  
8 documents also. That may be one of the documents you have.

9 Am I-- Okay.

10 Q. You said that you behaved differently outside of jail, is  
11 that correct.

12 A. Yes, sir.

13 Q. You behave differently outside of jail because outside of  
14 jail you carry a gun?

15 A. No, sir, that's incorrect.

16 Q. That was your .380 that we saw earlier in this trial,  
17 wasn't it?

18 A. That's false.

19 Q. In fact, you used that gun to take money with force from  
20 other people?

21 A. That's false. I have a job.

22 Q. From business people?

23 A. That's false.

24 Q. And had you been outside of jail, you could have killed  
25 Mr. Haile yourself, couldn't you?

1 A. If I recall exactly, the incident occurred in June. I  
2 was out until August.

3 Q. But you hadn't seen him yet testify against you, had you?

4 A. But if what you're saying is correct, then if I allegedly  
5 robbed this individual, I would know who I robbed, correct?

6 Q. You didn't know if he was coming forward, did you?

7 A. No, because I did not rob this individual.

8 Q. Once you were in jail, you saw the problem, didn't you,  
9 Mr. Mohamadi?

10 A. Excuse me?

11 Q. Once you were in jail, you saw the problem, didn't you?

12 A. The problem was I was falsely accused.

13 MR. WALUTES: No further questions, Your Honor.

14 THE COURT: All right. Redirect.

15 MS. MINTER: Briefly, Your Honor.

16 REDIRECT EXAMINATION

17 BY MS. MINTER:

18 Q. Mr. Mohamadi, with the assistance of the Court Security  
19 Officer, I would like to show you Government's Exhibit 51.

20 Do you recognize that?

21 A. Yes, ma'am, I do.

22 Q. From your testimony a few moments ago?

23 A. Yes, I do recognize it.

24 Q. And the attorney for the Government asked you a question  
25 about one of the lines in that letter, correct?

1 A. Yes, ma'am.

2 Q. Do you remember that question?

3 A. Yes, ma'am.

4 Q. And that question was about the line that says, don't  
5 think I can't spy on you in Miami?

6 A. Yes, ma'am.

7 Q. Okay. If you could read three lines below that.

8 A. What's the first word?

9 Q. It's a line that starts with the letter J?

10 A. Okay. Just playing, I trust you.

11 Q. Okay. And what does that mean? When you say-- What  
12 does just playing mean?

13 A. It's in regards to the whole situation with Ms. Inge and  
14 her drug problems. I was basically after the incident in I  
15 think August of--

16 Q. Let me--

17 A. It was an incident that occurred.

18 Q. Perhaps my question was unclear. My question is what  
19 does just playing mean?

20 A. Just playing meaning that, you know, I did trust her and  
21 that I wasn't, you know, really not-- That I didn't distrust  
22 her in what she was saying. Because she made the assertion  
23 that she was not going to use drugs while she worked and all  
24 that other stuff, but--

25 Q. So, it is like saying just kidding?

1 A. Yeah. Because I had been kind of like responsible--

2 THE COURT: Okay, listen to the next question.

3 THE DEFENDANT: Okay.

4 THE COURT: Thank you.

5 THE DEFENDANT: Yes, Your Honor.

6 BY MS. MINTER: (Continuing)

7 Q. Mr. Mohamadi, you have talked a fair amount about Ms.  
8 Inge and your relationship over the course of time?

9 A. Yes, ma'am.

10 Q. While you were in jail, was your relationship cut and  
11 dry? Was it one exact think or did it change?

12 A. No, ma'am, it was very eventful.

13 MS. MINTER: Nothing further, Your Honor.

14 THE COURT: All right. Mr. Mohamadi, you may resume  
15 your seat.

16 THE DEFENDANT: All right. Thank you, Your Honor.  
17 I apologize for just a little bit of confusion.

18 THE COURT: All right.

19 NOTE: The defendant stood down.

20 THE COURT: Any other witnesses?

21 MR. NACHMANOFF: The defense rests, Your Honor.

22 THE COURT: All right. Any rebuttal?

23 MR. WALUTES: Yes, Your Honor, I have two brief  
24 witnesses.

25 THE COURT: All right.

1 MR. WALUTES: Your Honor, the Government would  
2 recall Detective Robert Hickman.

3 THE COURT: All right.

4 Good afternoon, Detective Hickman. You are still  
5 under oath, sir.

6 THE WITNESS: Thank you, Your Honor.

7 THE COURT: Go ahead.

8 ROBERT HICKMAN, a witness recalled by counsel for  
9 the United States, having been previously sworn, testifies and  
10 states:

11 DIRECT EXAMINATION

12 BY MR. WALUTES:

13 Q. For the record, could you tell us your name again,  
14 please.

15 A. Robert Hickman.

16 Q. Detective Hickman, did you testify earlier in this trial  
17 that you conducted a consensual search on Amanda Inge's  
18 apartment at 175 South Reynolds Street, apartment 117, on June  
19 1 of 2007?

20 A. I believe I did.

21 Q. And did she actually sign a consent at that time allowing  
22 you to do that?

23 A. She did.

24 Q. Were any drugs found inside Ms. Amanda Inge's apartment?

25 A. No.

1 Q. Had you as a-- Is that apartment inside the city of  
2 Alexandria?

3 A. It is.

4 Q. Had you found drugs inside Amanda Inge's apartment, what  
5 would you have done?

6 A. Well, we would have, depending upon the type of drug, we  
7 would have got a field test kit out to field test them to  
8 verify they were actually in fact drugs. And if so, we would  
9 have taken appropriate action, which would include seizing the  
10 narcotics, packaging them and making an arrest if that, you  
11 know, if the facts of the search was appropriate for that.

12 Q. In any case, that did not occur on June 1 when you  
13 searched her apartment?

14 A. No.

15 MR. WALUTES: No further questions, Your Honor.

16 THE COURT: All right. Any cross-examination?

17 CROSS EXAMINATION

18 BY MS. MINTER:

19 Q. Detective Hickman, you indicated that this search took  
20 place on the first of June?

21 A. Yes.

22 Q. Had you executed any search of that apartment prior to  
23 the first of June?

24 A. No.

25 Q. Had Ms. Inge, excuse me, been contacted prior to 1st of

1 June?

2 A. I spoke with her on the 31st of May at her workplace.

3 Q. Did you advise her at that time that you might return to  
4 meet with her at the apartment?

5 A. I don't remember if I did or not, ma'am.

6 MS. MINTER: No further questions.

7 THE COURT: All right. May the detective be  
8 excused?

9 MR. WALUTES: Yes, Your Honor.

10 THE COURT: All right, you are excused at this time.

11 THE WITNESS: Thank you, Your Honor.

12 THE COURT: Thank you, sir.

13 NOTE: The witness stood down.

14 MR. WALUTES: Your Honor, I would call, if I might,  
15 the records custodian, I apologize, I can't remember her name,  
16 from Eastern Automotive. I have her seated right behind me.

17 THE COURT: All right, the Eastern Automotive  
18 records custodian.

19 NOTE: The witness is sworn.

20 MR. WALUTES: May I proceed, Your Honor?

21 THE COURT: Yes.

22 NADIA JALLAD, called by counsel for the United  
23 States, first being duly sworn, testifies and states:

24 DIRECT EXAMINATION

25 BY MR. WALUTES:



- 1 Q. Good afternoon.
- 2 A. Good afternoon.
- 3 Q. Could you please tell us your name.
- 4 A. Nadia Jallad.
- 5 Q. And could you spell us your name.
- 6 A. N-a-d-i-a, last name is J-a-l-l-a-d.
- 7 Q. And are you currently employed?
- 8 A. Yes, I am.
- 9 Q. How are you currently employed?
- 10 A. HR director at Eastern Automotive Group.
- 11 Q. Okay, a little slower for us.
- 12 A. HR director at Eastern Automotive Group.
- 13 Q. Could you tell us what HR stands for?
- 14 A. Human Resources.
- 15 Q. Are you in charge of the employment files for that group?
- 16 A. Yes, I am.
- 17 Q. And for people who don't know the corporate name, what
- 18 would people more commonly recognize your employer as? Would
- 19 it be called Eastern Automotive?
- 20 A. Yes, it is.
- 21 Q. Are you employed, in charge of the employment records for
- 22 Eastern Automotive?
- 23 A. Yes, I am.
- 24 Q. Are they kept in the normal course of business?
- 25 A. Yes, they are.

1 Q. Do you actually keep them under key to maintain the  
2 privacy of each employee?

3 A. I do.

4 Q. And are they kept in the normal course of business for  
5 Eastern Automotive?

6 A. They are.

7 Q. If I could ask you to look at what is now marked as  
8 Government's Exhibit 65.

9 Do you recognize that document?

10 A. I do.

11 Q. What is that document?

12 A. These are the documents that are required when we employ  
13 someone.

14 Q. And is that- Can you tell us the name of the employee  
15 for that file?

16 A. Mirwais Mohamadi.

17 Q. And does that reflect when his relationship or employment  
18 with Eastern Automotive was terminated?

19 A. It does.

20 Q. Could you tell us when he was terminated as an employee  
21 of Eastern Automotive?

22 A. 3/28/2007.

23 Q. For those of us not in the military, would that be  
24 March 20 of 2007? Would that be-- 3/20/07, is that March 20  
25 of 2007?

1 A. 3/28.

2 Q. Oh, I am sorry, March 28 of 2007.

3 A. March 28, yes.

4 MR. WALUTES: I'm sorry. Your Honor, at this time I  
5 would move the admission of Government's Exhibit 65.

6 THE COURT: Any objection?

7 MR. NACHMANOFF: No objection, Your Honor.

8 THE COURT: All right, it will be received.

9 MR. WALUTES: Thank you. I appreciate you coming to  
10 court.

11 CROSS EXAMINATION

12 BY MS. NACHMANOFF:

13 Q. Good morning, Ms. Jallad.

14 A. Hello.

15 Q. You testified you work at Eastern Motors, you are  
16 responsible for HR?

17 A. That's correct.

18 Q. And you are familiar with Mr. Mohamadi's file, is that  
19 right?

20 A. Somewhat, yes.

21 Q. And you have got it in front of you?

22 A. Uh-hum.

23 Q. And it reflects that he left on March 28, is that right,  
24 the very end of March?

25 A. That's what it reflects, yes.

1 Q. And do you see the document that says that he left on his  
2 own?

3 A. Yes.

4 Q. In other words, he wasn't fired for any misconduct?

5 A. No. It just says he left on his own and never showed up.

6 Q. Okay. And it's not uncommon for people who do sales at  
7 Eastern Motors to sort of come and go, is it?

8 A. No, it is a revolving door.

9 Q. Okay. And in fact, it wouldn't surprise you if there was  
10 some ongoing activity with Mr. Mohamadi that followed into  
11 April, would it?

12 A. I am not sure I understand what you mean.

13 Q. Well, maybe I can hand up this document, see if you  
14 recognize it.

15 MR. WALUTES: May I see it first, Your Honor?

16 Q. Sure. Could you take a look at that document for a  
17 moment and tell me if you recognize it.

18 A. Yes, sorry.

19 Q. Is that a copy of a document that would have been  
20 generated by you, a printout of an e-mail?

21 A. Yes.

22 Q. And that document is dated April 7, is that right?

23 A. Yes, it is, 2009.

24 Q. And it refers to some outstanding business with Mr.  
25 Mohamadi, is that right?

1 A. Business? It just refers to scheduling.

2 Q. Right. And that's dated April 7 of 2008?

3 A. Yes.

4 Q. Of 2007, excuse me?

5 A. 2009. This was sent Tuesday, April 7, 2009.

6 Q. Okay. So, there was some business ongoing with Mr.  
7 Mohamadi even after March of 2007?

8 A. I am not following the question. The type of business as  
9 in--

10 Q. That had to do with his having worked at Eastern Motors  
11 before, correct?

12 A. It says-- I have no idea what his schedule is. I am not  
13 sure what-- I still don't follow you.

14 Q. That's all right, I will move on.

15 A. Okay.

16 Q. Can a salesman come to Eastern Motors and conduct deals  
17 in which they have another salesman actually do the  
18 transaction for them?

19 A. If they are not employed with us, no.

20 Q. Okay. And if they do have a relationship with Eastern  
21 Motors, they can?

22 A. They could do split deals, yes.

23 MR. NACHMANOFF: Okay. Thank you, I have no further  
24 questions.

25 REDIRECT EXAMINATION

1 BY MR. WALUTES:

2 Q. But they can only do a split deal if they are employed  
3 with you?

4 A. That's correct.

5 Q. And when did his employment stop?

6 A. According to the records, 3/28/2007. March 28, 2007.

7 MR. WALUTES: Thank you. I have no further  
8 questions, Your Honor.

9 THE COURT: All right. Ms. Jallad, you are excused  
10 at this time. Thank you.

11 THE WITNESS: Thank you.

12 NOTE: The witness stood down.

13 THE COURT: Any other witnesses?

14 MR. WALUTES: No, Your Honor. The Government rests.

15 THE COURT: All right. Ladies and gentlemen, that  
16 concludes the evidence in the case. And I am going to have  
17 you take your lunch break at this time. When we come back, we  
18 will hear closing arguments and instructions.

19 All right. Then you are excused at this time. I am  
20 sorry, let's come back at quarter to 2. All right. So, it  
21 will take a little bit more than, we have got a little  
22 business to attend to, so we are not going to break quite yet,  
23 but we will come back at quarter to 2 and we will hear  
24 argument at that time.

25 All right, thank you, you are excused.

1           NOTE: At this point the jury leaves the courtroom;  
2 whereupon the case continues as follows:

3 JURY OUT

4           THE COURT: All right, have a seat. We have got the  
5 packet of instructions that I think are going to be ready  
6 shortly for you to look at.

7           Mr. Nachmanoff, any follow-up motions you want to  
8 make?

9           MR. NACHMANOFF: No, Your Honor, other than to  
10 clarify whether the Court wants to follow up with the CDs,  
11 that's the only outstanding issue.

12           And then I think we do have one additional  
13 instruction we meant to include, which is the standard  
14 instruction on a drug user.

15           THE COURT: All right.

16           MR. NACHMANOFF: We can get a copy for the Court if  
17 it is not readily available.

18           THE COURT: Okay. Well, if you give me the number,  
19 I will be happy to-- I am just going to put in the O'Malley  
20 drug user instruction.

21           The Government object to that?

22           MR. WALUTES: We do not, Your Honor.

23           THE COURT: All right. We will put that in.

24           I am not going to review the tapes given the direct  
25 examination and the cross-examination. Mr. Mohamadi was

1 allowed to testify, as I discussed earlier, to the matters  
2 that he was concerned he would not be able to get in regarding  
3 Ms. Inge's drug use, motivation for cooperating with the  
4 Government. And that came in, there was no impeachment of  
5 that testimony. And so, it stands unchallenged.

6 So, I am not going to allow-- I am not going to go  
7 through the tapes to determine whether they were admissible at  
8 this stage because they would have only been available for  
9 rehabilitation of his testimony after cross-examination in any  
10 event, if at all.

11 So, I am going to close the evidence at this time  
12 without further review of tapes.

13 Mr. Mohamadi.

14 THE DEFENDANT: Your Honor, can I just ask to  
15 address the misleading stuff that the Government just did with  
16 Ms. Jallad?

17 She has no knowledge of what occurs at the  
18 dealership. I have recordings of me conducting sales even  
19 while I was in jail.

20 So, the fact that he is trying to say, oh, just  
21 because I was off the clock that, you know, I'm lying, that  
22 doesn't take away from the fact I was still, would go at the  
23 dealership and conduct curb deals and all types of other  
24 transactions, which I can support with phone calls.

25 I mean, I think this is very misleading. The jury



1 has been misled by that whole--

2 THE COURT: Well, the records are the records.

3 THE DEFENDANT: Yeah, but--

4 THE COURT: And that's what they establish, sir.

5 All right. You have made, you have noted your objection to  
6 the admissibility. We have received the evidence of the  
7 employment records.

8 How much time do you want to argue the case?

9 MR. BEN'ARY: Your Honor, I am going to do the  
10 opening closing. Mr. Walutes is going to do the rebuttal.  
11 Rebuttal is tough to predict, but I would say for the first  
12 part of opening it will be less than 20 minutes. 45 minutes  
13 total.

14 THE COURT: All right. 45 minutes is not  
15 unreasonable, there is ten charges. And I think anything,  
16 total time anything underneath an hour is-- I mean, I think  
17 Judge Ellis is dead on when he says that there is a real good  
18 reason why TV shows last a half an hour, and that's the  
19 capacity of people today.

20 Is that within your range?

21 MR. NACHMANOFF: That's fine, Your Honor. And just  
22 as a housekeeping matter, we would, of course, renew all of  
23 our prior motions under Rule 29 and all of the pretrial  
24 motions that we reasserted at the close of the Government's  
25 case.

1 THE COURT: All right.

2 MR. NACHMANOFF: Pro se and those filed by counsel.

3 THE COURT: All right. That is noted in the record.

4 And for the reasons I stated previously, I will deny the  
5 motions at this time.

6 All right. Then take a look at the-- I don't know  
7 whether the instructions are ready now or we need a few  
8 minutes or-- Where are we?

9 THE LAW CLERK: We have just need to photocopy them.

10 THE COURT: Okay. We just need to photocopy them.  
11 So, if you want to have somebody, we will get them out to you  
12 as soon as we can.

13 All right, then we are in recess until quarter to 2.

14 NOTE: The taking of testimony in the case is  
15 concluded.

16 -----

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21 I certify that the foregoing is a true and  
22 accurate transcription of my stenographic notes.

23

24

25 /s/ Norman B. Linnell  
Norman B. Linnell, RPR, CM, VCE, FCRR